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

1. On December 1, 1975, this Regional Board adopted Order No. 75-62, Waste Discharge Requirements for R.C.P. Company, Inc.- Santee Plant. Order No. 75-62 established requirements for the discharge of sand and gravel washwater to series of sedimentation/percolation ponds near the plant.

2. On April 23, 1990, this Regional Board adopted Addendum No. 1 to Order 75-62. Addendum No.1 transfers the responsibility for Order No. 75-62 from R.C.P Company, Inc. to R.C.P. Block & Brick, Inc.

3. As a part of the FY 1994/95 Waste Discharge Order Update Program, Order No. 75-62 has been reviewed by Regional Board staff as required by Section 13263 of California Water Code. This Order updates the Findings, Requirements, and Monitoring and Reporting Program of Order No. 75-62 in order to address current State and Regional Board policies and regulations and the current status of the project.

4. Presently, the RCP Block and Brick, Inc. operates a sand and gravel mining facility and a block and brick plant. The facility includes a sand and gravel washing operation. Washwater from the sand and gravel washing operation is collected and passed through series of three sedimentation/percolation ponds. Clarified water from the pond No. 1 flows downgradient to pond No.2 then to a holding pond No.3. Water in Pond No. 3 is replenished by San Diego River water before reused in sand and gravel washing operation.

5. Sediments from settling ponds are mined periodically, mixed with fertilizers, and sold as top soil.

6. On May 11, 1992, R.C.P Block and Brick, Inc. submitted an application for a National Pollutant Discharge Elimination System permit for a proposed discharge of decanted water back to San Diego River.

7. The sand mining operation of R.C.P Block and Brick has been
regulated by the U.S Army Corps of Engineer pursuant to Clean Water Act Section 404. Section 40 CFR 122.3 indicates that any discharge regulated under Section 404 of CWA does not require NPDES permit.

8. The discharger reports that existing and future commercial extraction of construction aggregate from alluvial deposits in the floodplain of the San Diego River in the City of Santee will extend eastward from Cottonwood Avenue upstream for approximately one mile to a point near Riverford/Highway 67. The construction aggregate is used in the onsite manufacture of concrete blocks.

9. The discharger reports that the current series of three sedimentation/percolation ponds have been used for washing operation of the sand mined outside the flood plain of San Diego River. The discharger further reports that they may use the current series of three sedimentation/percolation ponds in addition to a new two cell settling basin to decant the water from slurry sand mined within the flood plain of San Diego River. The discharger also reports that decanted water from slurry sand will drain back to San Diego River.

10. The RCP Block and Brick facilities are located in the SE1/4 of Section 22, Township 15S Range 1W, SBB&M, adjacent to the San Diego River.

11. The San Diego County Hazardous Material Management Division regulates the hazardous waste generated and stored onsite.

12. The County of San Diego issued a major use permit for the sand mining activity, and enforces the reclamation plan for the facility.

13. The San Diego Air Pollution Control District issued a permit for regulating air pollutants generated at the facility.

14. The Comprehensive Water Quality Control Plan Report, San Diego Basin (9) (Basin Plan) was adopted by this Regional Board on March 17, 1975 and subsequently approved by the State Water Resources Control Board (State Board). Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board.

15. The Basin Plan identifies the following beneficial uses of the surface water of the Santee Hydrologic Subarea above Sycamore Creek (907.12):

a. Industrial service supply
b. Contact water recreation
c. Noncontact water recreation
d. Warm freshwater habitat
16. The Basin Plan established the following beneficial uses for the ground water of the Santee Hydrologic Subarea above Sycamore Creek:

a. Municipal and domestic supply
b. Agricultural supply
c. Industrial service supply
d. Groundwater recharge (potential)
e. Industrial process supply (potential)

17. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:

(a) past, present, and probable future beneficial uses of the waters under consideration;
(b) environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto;
(c) water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
(d) economic considerations;
(e) the need for developing housing within the region;
(f) the need to develop and use recycled water;
(g) beneficial uses to be protected and water quality objectives reasonably required for that purpose;
(h) other waste discharges; and,
(i) the need to prevent nuisance.

18. The RCP Block and Brick plant is an existing facility and as such is exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Administrative Code, Chapter 3, Article 19, Section 15301.

19. The Regional Board has considered all water resource related environmental factors associated with the discharge of waste as described in this Order.
20. The Regional Board has notified the Corps and all other known interested parties of the intent to prescribe waste discharge requirements as described in this Order.

21. The Regional Board in a public meeting heard and considered all comments pertaining to the proposed discharge.

IT IS HEREBY ORDERED, that the RCP Block and Brick, Inc. (hereinafter discharger) 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. The discharge of waste in a manner other than as described in the findings of this Order is prohibited unless the discharger obtains revised waste discharge requirements that provide for the proposed change.

2. Storage, use and/or disposal of wastes 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.

3. Neither the treatment, storage nor disposal of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.

B. DISCHARGE SPECIFICATIONS

1. All sand mining shall be so managed, controlled and/or restricted such that the turbidity in the San Diego River at the downstream property line shall not exceed the turbidity in the San Diego River at the upstream property line by 10 NTU.

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.

C. OPERATION SPECIFICATIONS

1. All sedimentation/percolation ponds used for the disposal or storage of washwater, stockpiles of silts and fines from the sand and gravel washing operation, and stockpiles of fertilizers and other organic materials shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.
2. All sedimentation/percolation ponds used for the disposal or storage of washwater, stockpiles of silts and fines from the sand and gravel washing operation, and stockpiles of fertilizers and other organic materials shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year frequency 24-hour storm.

3. A minimum freeboard of at least 2 foot shall be maintained in the three sedimentation/percolation ponds.

4. The discharger shall implement an approved load-checking program to ensure that hazardous, nonhazardous, designated or contaminated materials are not discharged at the site.

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 includes 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.

D. STANDARD PROVISIONS

1. DUTY TO COMPLY

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.

2. ENTRY AND INSPECTION

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.

3. CIVIL MONETARY REMEDIES

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. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

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 and is subject to a civil liability of up to 5,000 dollars for each day in which the violation occurs.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

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 5 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.

6. PRIOR NOTICE OF BYPASS

If a need for a discharge bypass is known in advance, the discharger shall submit prior notice and, if at all possible, such notice shall be submitted at least 10 days prior to the date of the bypass.
7. CORRECTIVE ACTION

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.

8. TREATMENT FAILURE

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. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.

9. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Director of Environmental Health Services, County of San Diego in accordance with California Health and Safety Code Section 5411.5 and the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control Plan.

10. PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person
has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan.

E. REPORTING AND RECORD KEEPING REQUIREMENTS

1. PERMIT REPOSITORY

A copy of this Order shall be maintained at the discharger's facility and shall be available to operating personnel at all times.

2. GENERAL REPORTING REQUIREMENT

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. RETENTION OF RECORDS

The discharger shall retain records of all monitoring information, including all calibration and maintenance records, 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.

4. PERMIT REVISION

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.

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.

5. CHANGE IN DISCHARGE

The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

(a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting 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) Increase in flow beyond that specified in this Order.

(e) Other circumstances which result in a material change in character, amount, or location of the waste discharge.

(f) Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

6. CHANGE IN OWNERSHIP

This Order is not transferrable to any person except after notice to the Executive Officer. The discharger shall submit this notice in writing at least 30 days in advance of any proposed transfer. 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. 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.

7. INCOMPLETE REPORTS
Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

8. REPORT DECLARATION

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 that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

9. REGIONAL BOARD ADDRESS
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 Blvd, Suite B
San Diego, California 92124-1331

F. NOTIFICATIONS

1. VESTED RIGHTS

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.

2. U.S. EPA REVIEW

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. SEVERABILITY

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.

4. ORDER NO. 75-62

This Order supersedes Order No. 75-62 and becomes effective on the date of adoption by the Regional Board.

I, Arthur L. Coe, 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 February 9, 1995
Order No. 95-17

Arthur L. Coe
Executive Officer