



San Diego Regional Water Quality Control Board

April 5, 2016

In reply refer to / attn:
822487:RMitchell

Mr. Holmes Bassette
Environmental Manager
CEMEX Materials Pacific, LLC
3990 East Concourses Street, Suite 200
Ontario, CA 91764

Subject: Notice of Public Hearing and Written Comment Period for Tentative Order No. R9-2016-0072, An Order Rescinding Orders Nos. 88-37, 88-66, and 93-119

Mr. Bassette:

This letter serves to inform you that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) will consider adoption of Tentative Order No. R9-2016-0072 (tentative Order), an order rescinding the following waste discharge requirements:

1. Order No. 88-37, *Waste Discharge Requirements for CEMEX Materials Pacific, LLC, Palomar Oceanside Batch Plant, San Diego County;*
2. Order No. 88-66, *Waste Discharge Requirements for CEMEX Materials Pacific, LLC, Palomar Escondido Batch Plant, San Diego County;* and
3. Order No. 93-119, *Waste Discharge Requirements for CEMEX Materials Pacific, LLC, Mission Valley Plant Complex, San Diego County.*

The tentative Order will be considered for adoption by the San Diego Water Board at its scheduled meeting on Wednesday, June 22, 2016. A copy of the tentative Order is enclosed and available for public review on our website at:

http://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/

The June 22, 2016 meeting will begin promptly at 9:00 a.m. and will be held at the following location:

California Regional Water Quality Control Board, San Diego Region
Board Meeting Room
2375 Northside Drive, Suite 100
San Diego, CA 92108

Please review and provide any written comments on the tentative Order at your earliest convenience. Comments should be submitted electronically to sandiego@waterboards.ca.gov in text searchable Portable Document Format (PDF) or Microsoft Word format and be received by the San Diego Water Board by 5:00 p.m. on May 5, 2016. Written material submitted after the deadline date will not be provided to the San Diego Water Board. Also, it is not likely that written material will be accepted by the San Diego Water Board on the day of the meeting.

In the subject line of any response, please include the reference code **822487:RMitchell**. For questions or comments, please contact Mr. Roger Mitchell by phone at (619) 521-5898, or by email at Roger.Mitchell@waterboards.ca.gov.

Sincerely,



Julie Chan, P.G., Chief
Groundwater Protection Branch

JAC:jro:rnm

Enclosure: Tentative Order No. R9-2016-0072

Tech Staff Info & Use	
Order No.	R9-2016-0072
Party (GT/CIWQS) ID	6863; 553780; 555062
WDID	9371025321; 9371025318; 9371025320
Reg. Measure ID	404852
Place ID	822487; 245785; 222924; 240982

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE 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

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 sand and gravel 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 Order 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.

TENTATIVE

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

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

NOTICE OF PUBLIC HEARING AND WRITTEN COMMENT PERIOD

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is releasing, for public review and comment, Tentative Order No. R9-2016-0072 (tentative Order), an order rescinding

- Order No. 88-37, *Waste Discharge Requirements for CEMEX Materials Pacific, LLC, Palomar Oceanside Batch Plant, San Diego County;*
- Order No. 88-66, *Waste Discharge Requirements for CEMEX Materials Pacific, LLC, Palomar Escondido Batch Plant, San Diego County;* and
- Order No. 93-119, *Waste Discharge Requirements for CEMEX Materials Pacific, LLC, Mission Valley Plant Complex, San Diego County.*

Document Availability

The names and address of the Discharger, the Tentative Order and attachments thereto, and other related documents are available on the San Diego Water Board website at:

http://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/

Interested persons may also receive copies of the Tentative Order by contacting Mr. Roger Mitchell at (619) 521-5898 or by email at Roger.Mitchell@waterboards.ca.gov, or by visiting the San Diego Water Board's office at 2375 Northside Drive, Suite 100, San Diego, CA 92108-2700, weekdays between 8:00 a.m. and 5:00 p.m.

Submission of Written Comments

Notice is hereby given that the San Diego Water Board will receive written comments on the aforementioned Tentative Order in accordance with this notice pursuant to Water Code section 13167.5.

The submission of written comments is the opportunity for interested persons to raise and comment on issues pertaining to the Tentative Order. All written comments pertaining to the Tentative Order to be considered by the San Diego Water Board must be received **no later than 5:00 p.m. on Thursday May 5, 2016**. Comments should be submitted electronically to sandiego@waterboards.ca.gov in text searchable Portable Document Format (PDF) or Microsoft Word format. Written comments can also be submitted via regular mail to the San Diego Water Board office at 2375 Northside Drive, San Diego, CA 92108. Please indicated in the submit line of the email or comment letter "Comment – Tentative Order No. R9-2016-0072, Attn Roger Mitchell." The early submission of written comments on the Tentative Order is encouraged. Written comments received by 5:00 p.m. on Thursday, May 5, 2016, will be provided to the San

Diego Water Board members for their review in advance of the public hearing to consider adoption of the Tentative Order. The San Diego Water Board will prepare written responses to significant comments that are timely received.

Consistent with State Water Resources Control Board regulations that apply to this proceeding, written comments received after 5:00 p.m. on Thursday, May 5, 2016, will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

Public Hearing for Consideration of Tentative Order Adoption

A public hearing on the Tentative Order will be held during the San Diego Water Board meeting scheduled on Wednesday, June 22, 2016, at the San Diego Regional Water Board Meeting Room, 2375 Northside Drive, San Diego, California, 92108. This item will be heard during a meeting that starts at 9:00 a.m. The meeting agenda, which will indicate any changes in the meeting location and may provide other specific information concerning this hearing, will be posted at least two weeks prior to the meeting date at http://www.waterboards.ca.gov/sandiego/board_info/agendas/.

The procedures governing San Diego Water Board meetings may be found in the California Code of Regulations, title 23, section 647, et seq. and are available upon request.

Information related to these matters, including the Tentative Order is currently available and may be reviewed at the San Diego Water Board's office or on the San Diego Water Board's webpage at <http://www.waterboards.ca.gov/sandiego/>. The hearing facilities will be accessible to persons with disabilities. The meeting notice and agenda for this meeting will provide contact information for persons requesting special accommodations.

Contact for Further Information

Please contact Mr. Roger Mitchell by phone at (619) 521-5898 or e-mail at Roger.Mitchell@waterboards.ca.gov for information regarding the above listed proposed actions. Please bring the foregoing to the attention of any person known to you who would be interested in these matters.