

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

**EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2020**

ITEM NO. 9

SUBJECT

Consideration of Tentative Order No. R9-2020-0088, *An Order Rescinding Order No. 86-32, An Order Prohibiting the Discharge of Wastes Beyond the Limits of Lands Owned or Controlled by Color Spot Foliage Inc., Near Fallbrook, San Diego County* (Tentative Order R9-2020-0088). (Brandon Bushnell)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2020-0088 is recommended.

KEY ISSUES

Tentative Order No. R9-2020-0088 (**Supporting Document 1**), if adopted, would rescind Order No. 86-32, *An Order Prohibiting the Discharge of Wastes Beyond the Limits of Lands Owned or Controlled by Color Spot Foliage Inc., Near Fallbrook, San Diego County* (Order No. 86-32). The Color Spot Foliage Nursery (Nursery) is currently enrolled in Order No. R9-2016-0004, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers that are Members of a Third-Party Group in the San Diego Region* (General Order)¹ as a member of a third-party group and coverage under Order No. 86-32 is no longer needed.

PRACTICAL VISION

The San Diego Water Board Practical Vision² sets forth strategies to achieve healthy waters and accomplish the Board's mission. The rescission of waste discharge requirements for facilities that are enrolled in general orders allows the San Diego Water Board to direct its limited resources to higher priority projects, which supports the goals of Practical Vision.

DISCUSSION

The Nursery is located at 2575 Olive Hill Road, Fallbrook in San Diego County (**Supporting Document 2**). The General Order was adopted by the San Diego Water Board in November 2016 and regulates discharges from commercial agriculture operations, including irrigation runoff, non-stormwater runoff, and storm water runoff to waters of the State within the San Diego Region. The rescission of Order No. 86-32 will ensure that discharges from the Nursery are regulated consistent with current agricultural

¹ General Order: https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2016/R9-2016-0004.pdf

² Practical Vision: https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/docs/PV-WQCC_Version.pdf

operation policies and requirements, including those in the General Order. Utilizing general orders allows staff to focus resources and time on other discharges that pose a larger threat to water quality. Discharges from the Nursery will continue to be subject to requirements that prohibit the discharge of wastes and wastewater from the boundaries of the Nursery.

SIGNIFICANT CHANGES

Adoption of Tentative Order No. R9-2020-0088 will rescind Order No. 86-32, ending duplicative coverage and the need for the Nursery to submit monitoring reports and pay annual fees associated with Order No. 86-32.

COMPLIANCE RECORD

The Nursery was cited for a total of 8 violations from 1994 to 2006 for discharging to, and illegally taking water from, an unnamed tributary to Bonsall Creek. The Nursery received Cease and Desist Order No. 98-25 (CDO) on April 8, 1998, for failure to prohibit the discharge of wastewater beyond the limits of lands owned and controlled by the Nursery. The Nursery came into compliance and the CDO was rescinded in February 2003. Since the CDO was rescinded, the Nursery has been cited for eight violations of Order No. 86-32, however the Nursery has not been cited for a violation since 2006.

PUBLIC NOTICE

Notification of this action was sent to known interested parties by email and mail on May 18, 2020 (**Supporting Documents 3 and 4**). Additionally, Tentative Order No. R9-2020-0088 was posted on the San Diego Water Board website on May 18, 2020, for a period of 30 days. No comments were received during the public comment period. These actions satisfy the 30-day public notification and comment period requirements of Water Code, division 7, section 13167.5.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2020-0088
2. Vicinity and Facility Map
3. Tentative Order No. R9-2020-0088 Transmittal Letter
4. Notice of Public Hearing and Written Comment Period