

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

TENTATIVE ORDER NO. R9-2009-0106

AN ORDER RESCINDING ORDER NOS. 88-55, 94-126, 96-051

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

1. Order No. 88-55, as amended, prescribes Waste Discharge Requirements to Oglebay Norton Industrial Sands, Inc. (Oglebay) for the discharge of recirculated sand wash water that has undergone chemical additions, flocculation, and sedimentation to a storage basin at its Mission Viejo Sand Plant (Facility) in Orange County. Discharge Specifications in the Order provide for protection of the quality and quantity of groundwater in addition to minimizing erosion of sediment removed from process wastewater.
2. Rescission of Order No. 88-55 is warranted because Oglebay is now required to implement a storm water pollution prevention plan at the Facility pursuant to Industrial Storm Water General Permit Order No. 97-03-DWQ for the reduction of pollutants in storm water runoff and the prevention of non-stormwater discharges to surface waters. Oglebay has demonstrated with groundwater data collected since 1986, that the Facility's operation is not a threat to groundwater quality.
3. Order No. 94-126 prescribes Waste Discharge Requirements to Verger Dairy, located in the San Pasqual Valley of San Diego County, for the discharge of waste water from up to 530 milking cows to retention ponds for disposal via spray irrigation.
4. On June 30, 2009, Regional Board staff discussed the closure of Verger Dairy with Mr. Don Verger who informed staff that cows are no longer maintained in corals and the discharge to the retention pond has been terminated. An inspection of the dairy verified that the facility is not being used as a dairy.
5. Order No. 96-051 prescribes Waste Discharge Requirements to Vulcan Materials for their Sloan Canyon Sand Plant in San Diego County now owned by Sycuan Tribal Development Corporation.
6. By letter dated June 26, 2009, Sycuan Tribal Development Corporation requested rescission of Order No. 96-051. The site has not been used as a sand mining operation since the end of 2003, when all equipment was dismantled and removed from the property prior to the sale of the Sloan Canyon Sand Plant. On April 24, 2009, an inspection of the site confirmed that the Sloan Canyon Sand Plant had been dismantled.

7. This Regional Board has notified Oglebay Norton Industrial Sands, Inc., the Verger Dairy, Sycuan Tribal Development Corporation, and all known interested persons of the intent to rescind Orders Nos. 88-55, 94-126, and 96-051.
8. The Regional Board in a public meeting heard and considered all comments pertaining to the proposed rescission.

IT IS HEREBY ORDERED that Orders Nos. 88-55, 124-96, and 96-051 are rescinded.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Addendum adopted by the California Regional Water Quality Control Board, San Diego Region, on August 12, 2009.

Tentative

JOHN H. ROBERTUS
Executive Officer