

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
June 24, 2015

ITEMS: 6, 7, and 8

SUBJECT: 6. Waste Discharge Requirements Amendment: An Addendum Transferring Responsibility for Order No. 88-66 from Calmat Company (d/b/a Vulcan Materials Company, West Region) to CEMEX Materials Pacific, LLC. (Tentative Addendum No. 1 to Order No. 88-66) (Roger Mitchell)

7. Waste Discharge Requirements Amendment: An Addendum Transferring Responsibility for Order No. 93-119 from Calmat Company (d/b/a Vulcan Materials Company, West Region) to CEMEX Materials Pacific, LLC. (Tentative Addendum No. 1 to Order No. 93-119) (Roger Mitchell)

8. Waste Discharge Requirements Amendment: An Addendum Transferring Responsibility for Order No. 88-37 from Calmat Company (d/b/a Vulcan Materials Company, West Region) to CEMEX Materials Pacific, LLC. (Tentative Addendum No. 2 to Order No. 88-37) (Roger Mitchell)

PURPOSE: To consider adopting:

1. Tentative Addendum No. 1 for Order No. 88-66 (Supporting Document No. 1)
2. Tentative Addendum No. 1 for Order No. 93-119 (Supporting Document No. 2); and
3. Tentative Addendum No. 2 for Order No. 88-37 (Supporting Document No. 3).

RECOMMENDATION: Staff recommends adoption of the three Tentative Addenda.

KEY ISSUES: 1. CalMat Company (Vulcan) transferred ownership (Supporting Document No. 4) of two concrete batch plants and one sand and gravel mining operation to CEMEX Construction Materials Pacific, LLC (CEMEX) on March 20, 2015 (Transfer Date).

2. The Tentative Addenda will transfer responsibility for the waste discharge requirements for the three facilities from Vulcan to CEMEX, as requested by Vulcan on February 5, 2015
3. The Tentative Addenda will not result in any changes to the requirements specified in the respective orders.

**PRACTICAL VISION:** The Tentative Addenda implement the goal of the Practical Vision to maintain healthy waters in the San Diego Region by transferring responsibility for compliance with the requirements established in the orders for the concrete batch plants, and sand and gravel mining operation to the new owner of the facilities. Timely transfer of responsibility for the orders helps ensure that the new owner is aware of and will comply with the orders to protect groundwater and surface water quality at, and downstream of these facilities.

**DISCUSSION:** Vulcan transferred ownership of specific sand and gravel and concrete grinding operations to CEMEX. Discharges from the affected facilities are regulated by waste discharge requirements in Orders Nos. 88-66, 93-119, and 88-37, respectively. These WDRs establish requirements and discharge specifications to address the potential threats to the waters of the State from the discharge of sediment-laden water resulting from the washing of sand and gravel, batching concrete, washing transit mix truck drums, and dust control. The sediment-laden waters from each operation are collected in onsite ponds or concrete lined sumps, allowing the suspended solids to settle. The resulting wastewater is reused, while the dredged solids are used as fill materials or disposed of at a local landfill.

All of the operations described above are also subject to the requirements specified in Order No. 2014-0057-DWQ, *National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities* adopted by the State Water Resources Control Board on April 1, 2014.

On February 5, 2015, San Diego Water Board staff received three reports of waste discharge (ROWD) notifications, identifying the transfer of ownership of the two concrete batch plants located in Escondido and Oceanside, and the Mission Valley sand and gravel operation in San Diego, to CEMEX effective March 20, 2015. In addition the San Diego

Water Board received a copy of the written agreement (Supporting Document No. 5) between Vulcan and CEMEX acknowledging that Vulcan is liable for violations up to the Transfer Date, and CEMEX is liable for violations from the Transfer Date on.

No written comments on the Tentative Addenda were received from Vulcan or CEMEX, or from the public.

**LEGAL CONCERNS:**

None.

**SUPPORTING DOCUMENTS:**

1. Tentative Addendum No. 1 for Order No. 88-66.
2. Tentative Addendum No. 1 for Order No. 93-116.
3. Tentative Addendum No. 2 for Order No. 88-37.
4. Location Map
5. Transfer Agreement signed by Vulcan and CEMEX.
6. Notification Letters for Public Hearing and Comment Period.

**SIGNIFICANT CHANGES:**

Transfer of responsibility for complying with WDRs, in Orders Nos. 88-66, 93-119, and 88-37 from Vulcan to CEMEX.

**COMPLIANCE RECORD:**

There have been no violations of the existing waste discharger requirements for these sites in the past 10 years.

**PUBLIC NOTICE:**

Notification of this action was sent to known interested parties by email on March 6, 2015 (Supporting Document No. 6). The Tentative Addenda were also posted on the San Diego Water Board website on March 6, 2015. These actions satisfy the public notification requirements of Water Code, division 7, section 13167.5 for a 30-day notice.