

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
May 13, 2009

- ITEM: 10
- SUBJECT: Time Schedule Order with Interim Effluent Limitations: Mountain Water Ice Company, Oceanside Ice Plant, Waste Discharge Requirements Order No. R9-2005-0015, NPDES No. CA0108391 (Tentative Order No. R9-2009-0047) (Rebecca Stewart)
- PURPOSE: The Regional Board will consider the issuance of tentative Time Schedule Order No. R9-2009-0047 requiring implementation of pollution prevention measures to bring the discharge into compliance with effluent limitations prescribed in Order No. R9-2005-0015 (Supporting Document No. 2). The proposed time schedule order also contains interim effluent limitations for total dissolved solids (TDS).
- PUBLIC NOTICE: On April 13, 2009 a notice was published in the North County Times and on the Regional Board website soliciting public input on the issuance of a time schedule order. A copy of tentative Time Schedule Order No. R9-2009-0047 was posted on the website on April 13, 2009. The written comment period ends on May 6, 2009.
- DISCUSSION: Mountain Water Ice Company (Mountain Water Ice) has been discharging wastewater from its Oceanside Ice Plant to the San Luis Rey River in accordance to waste discharge requirements prescribed by this Regional Board since 1990. The discharge results from melted ice and overflow from evaporative condensers used in manufacturing ice products. Municipal water from the City of Oceanside is used at the facility to manufacture the ice products. The discharger does not add pollutants to the facility's process water. The discharge is currently regulated by *Waste Discharge Requirements Order No. R9-2005-0015, NPDES Permit No. CA0108391* (Supporting Document No. 3). Order No. R9-2005-

0015 was adopted on March 5, 2005 and establishes effluent limitations for TDS based on the Basin Plan's water quality objective of 500 mg/L for the receiving water.

The discharge was in compliance with the TDS effluent limitations until 2001 when sporadic violations began. Review of the Discharger's self-monitoring reports indicates a consistent increase in TDS values in the municipal supply water from the City of Oceanside. In April 2007 the elevated TDS concentrations began triggering mandatory minimum penalties (MMPs) for TDS exceedances and continued to do so until December 2008 when the facility's operation was discontinued to avoid further noncompliance.

Review of the City of Oceanside's water quality report for 2007 indicates that the supply water, mostly imported water, had an average concentration of TDS of 512 mg/L. In addition, the City augments its water supply with water from a local groundwater desalting facility that averaged 571 mg/L of TDS during the same time period. Consequently, it is unlikely that Mountain Water Ice can consistently comply with the TDS limitations required for discharges to the San Luis Rey River without treatment.

Tentative Time Schedule Order No. R9-2009-0047 would provide a conditional exemption from MMPs for TDS until March 9, 2010. California Water Code section 13385(j) states that MMPs do not apply to a violation of an effluent limitation if:

- (1) The waste discharge is in compliance with a time schedule order issued pursuant to Section 13300;
- (2) The time schedule order was issued on or after July 1, 2000 and specifies the actions the discharger is required to take in order to correct the violations; and

- (3) The Regional Board finds that the discharger is not able to consistently comply with the effluent limitations due to unanticipated changes in the quality of the municipal supply available, no alternative water supply is reasonably available, and new or modified measures to control the composition of the waste discharge cannot be designed, installed, and put into operation within 30 calendar days.

Mountain Water Ice has submitted a Pollution Prevention Plan outlining the measures they are undertaking to provide the most effective pollution control measures at the facility (Supporting Document No. 4). The Pollution Prevention Plan contains estimated completion times for several tasks including:

- (1) Completion of a Feasibility Study to select the appropriate pollution prevention technique(s);
- (2) Completion of the design of the chosen pollution prevention technique(s);
- (3) Completion of the construction of the chosen pollution prevention control technique(s); and
- (4) Achieving full compliance with the TDS effluent limitations prescribed in Order No. R9-2005-0015.

These task milestones have been incorporated into tentative Time Schedule Order No. R9-2009-0047. Each milestone date has a corresponding compliance date by which Mountain Water Ice must submit either the specified document or a written report detailing compliance or noncompliance with the specific task. Tentative Time Schedule Order No. R9-2009-0047 contains a final compliance date of March 9, 2010 which corresponds with the expiration date of Order No. R9-2005-0015.

In addition, tentative Time Schedule Order No. R9-2009-0047 contains interim effluent limitations for TDS which are effective until March 9, 2010. If Mountain Water Ice complies with the interim effluent limitations, MMPs for TDS will not accrue until the

pollution prevention technique(s) have been installed and compliance with the more stringent effluent limitations in Order No. R9-2005-0015 have been clearly demonstrated.

Mountain Water Ice has also reported several violations of the Bromoform effluent limitations. Bromoform is a byproduct of the municipal supply water disinfection process currently used by the City of Oceanside. However, because Mountain Water Ice's Pollution Prevention Plan does not address pollution control techniques for Bromoform, no interim effluent limitations for this constituent have been prescribed. Mountain Water Ice is exploring possible solutions to the Bromoform violations in conjunction with TDS, but until a Pollution Prevention Plan is submitted addressing Bromoform, the effluent limitations contained in Order No. R9-2005-0015 will be in effect and violations will be subject to MMP. Mountain Water Ice does not intend to exceed the flow limitation when the plant becomes operational.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

1. Location Map
2. Tentative Time Schedule Order No. R9-2009-0047
3. Order No. R9-2005-0015, NPDES No. CA0108391
4. Pollution Prevention Plan for Mountain Water Ice Company, 2843 Benet Road, Oceanside, San Diego County, California, Permit R9-2005-0015, 11 March 2009