

State of California
Regional Water Quality Control Board
San Diego Region

ENFORCEMENT SUMMARY REPORT
May 13, 2009

- ITEM: 9
- SUBJECT: Administrative Assessment of Civil Liability, Mountain Water Ice Company, Oceanside Ice Plant. The Regional Board will consider adoption of a tentative Order that would impose a \$243,000 mandatory minimum penalty recommended in Amended Complaint R9-2008-0161 for violations of effluent limitations prescribed in Waste Discharge Requirements Order No. R9-2005-0015, NPDES No. CA0108391. (Tentative Order No. R9-2009-0075) (Rebecca Stewart)
- PURPOSE: The Regional Board will consider whether to accept Mountain Water Ice Company's waiver of public hearing and adoption of tentative Administrative Civil Liability Order No. R9-2009-0075 to assess \$243,000 in mandatory minimum penalties (MMP) (Supporting Document No. 2).
- 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 proposed MMP. The written comment period ends on May 6, 2009.
- DISCUSSION: On March 30, 2009 the Assistant Executive Officer issued Amended Complaint No. R9-2008-0161 for Administrative Civil Liability with MMP in the amount of \$243,000 against Mountain Water Ice Company for violations of effluent limitations contained in Order No. R9-2005-0015. The violations included numerous flow quantity limitation violations as well as several total dissolved solids (TDS) and Bromoform violations that occurred between April 2007 and August 2008. The ice manufacturing facility discharges wastewater consisting of melted ice and evaporative cooler condensate to the San Luis Rey River.

On April 23, 2009, Mountain Water Ice Company waived its right to a public hearing and agreed to pay the recommended \$243,000 in MMP (Supporting Document No. 3).

The Regional Board has received one comment in an email communication from Ms. Nadia Scott in support of the assessment of \$243,000 in MMP and Mountain Water Ice Company's waiver of a public hearing (Supporting Document No. 4).

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

1. Location Maps
2. Tentative ACL Order No. R9-2009-0075
3. Mountain Water Ice Company, April 23, 2009, Waiver of Public Hearing
4. Comments from Nadia Scott, April 29, 2009