

From: <nadia550@sbcglobal.net>
To: "Rebecca Stewart" <RStewart@waterboards.ca.gov>
Date: 4/29/2009 8:55 AM
Subject: Re: R9-2008-0161 Amended Complaint: Support

Thank you for a nicely detailed email. It is greatly appreciated. I think the proposed order and fine are appropriate and I commend you on your fine work on this file. I also commend the Company for working with the Board to find resolutions to the issues.

You may include both of my emails for the record. I'd appreciate it.
Nadine Scott

>Ms. Scott,

>

>Thank you for your e-mail.

>

>The agenda item regarding the imposition of administrative civil liability against Mountain Water Ice Company was not in response to an inquiry by the City of Oceanside. It originated from our review of self-monitoring reports submitted by Mountain Water Ice in compliance with their waste discharge requirements.

>

>Since the introduction of mandatory minimum penalties to the California Water Code in 2000, Mountain Water Ice had been in compliance with their NPDES permit effluent limitations until April 2007. At that time they began to exceed their total dissolved solids limit as well as their discharge flow limit. Unfortunately, because they had been in compliance and are considered a minor discharge based on their flow and the type of facility, we were not as diligent in reviewing their reports as we are with major facilities. As a result, three monitoring periods went by before we reviewed their reports resulting in a significant number of violations, many of which could have been avoided. I have attached a copy of the amended Complaint for your review. As you can see, the majority of the violations were for exceeding their flow limitation. They also had several violations of total dissolved solids.

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>

>Mountain Water Ice immediately shut down the facility upon received our ACL Complaint in December 2008. The facility is currently shut down and they have been working closely with us to resolve the matter. They have provided documentation that supports their claim that the TDS violations are a result of the declining quality of their municipal supply based on the increase in the use of imported water with high TDS values and possibly the City's use of groundwater to supplement its municipal supply. Because these violations are based on a change in their supply water, the Water Code allows for the issuance of a time schedule order with interim effluent limitations while they work to bring the facility back into compliance.

>

>Mountain Water Ice has acknowledged that the exceedance of their flow limitation was a poor business decision and they have submitted a pollution prevention plan that indicates that they are working to not only eliminate the TDS violations but to review their business practices to significantly reduce the amount of water discharged to the San Luis Rey River.

>

>The proposed time schedule order will require the implementation of the necessary pollution control measures by the time their NPDES permit is up for renewal in March 2010. Failure to comply could result in either significant monetary penalties and/or the Regional Board denying the renewal of their discharge permit.

>

>Mountain Water Ice has agreed to pay the proposed penalty of \$243,000 and concentrate on bringing their discharge into compliance as quickly as possible. The time schedule order will allow them to resume operation for their summer season to allow them to generate the funds necessary to bring the discharge into compliance.

>
>Mountain Water Ice has not proposed to fund a Supplemental
>Environmental Project with a portion of this penalty. As you are aware,
>there have been some substantial penalties assessed in the North County
>by the Regional Board in the past. If you are aware of a good project
>that needs funding it is possible that the Executive Officer could
>request funds from the Cleanup and Abatement Account. If you would like
>further information on this approach please contact me and I will locate
>the appropriate information or get you in contact with the appropriate
>person in our office to assist you.
>
>I am currently drafting the tentative Order. The agenda packages for
>the ACL penalty and time schedule order should be posted on our website
>by the close of business on Friday.
>
>The written comment period for these items ends on May 6 at 5:00 p.m.
>You may submit comments that I will include in the agenda packages sent
>to the Regional Board, or I could include a copy of your email. Please
>advise me on what you would prefer.
>
>If you have any further questions please contact me.
>
>Respectfully,
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>
>Rebecca Stewart
>Sanitary Engineering Associate
>California Regional Water Quality Control Board
>San Diego Region
>9174 Sky Park Court., Suite 100
>San Diego, CA 92123
>(858) 467-2966
>e-mail: rstewart@waterboards.ca.gov
>
> >>> <nadia550@sbcglobal.net> 4/28/2009 5:21 PM >>>
>re: Mountain Water ice Company, Oceanside, CA R9-2008-0161 Amended
>Complaint
>
>Dear Ms. Stewart,
>
>I was extremely surprised that this item in on the docket. I and
>another party observed and I complained about this facility way back
>in May of 2007 I feel that my complaint was perhaps ignored by the
>Clean Water Program Coordinator. He basically said they had a permit
>to discharge and I should follow up on myself. Isn't that what
>taxpayers pay his salary for? To investigate clean water issues? Or
>perhaps it's my fault for not following up. As a volunteer I was
>heavily involved with Robertson's concrete so this slipped off my
>radar.
>(See email thread below.) Perhaps politics played a role in this as
>he is a low level decision maker and he preferred to let a higher
>authority investigate. If that's the case and he brought this
>facility to your attention, at least this I am thankful and this
>facility got the scrutiny it needed.
>
>I have been extremely active in water quality matters in my city and
>am thankful that someone followed up on this facility. I know that
>staff people can't be everywhere at all times and they rely on the
>public for info. But the City of Oceanside's possible lack of follow
>up is surprising. I will be happy to take back my words if indeed a
>referral was made to your agency and I truly hope that is the case.
>
>Anyway, I am pleased that you have built a case on this facility. As
>I mentioned in my email in 2007 the discharges were filthy, rusty and
>didn't look appropriate.
>

>So no matter what source the information began with, I support the
 >Administrative Fine in the MAXIMUM amount.
 >Additionally I hope this fine can be used in the local jurisdiction
 >to improve water quality. We have had several fines in Oceanside yet
 >it seems none of the funding ever stays in our jurisdiction. Citizens
 >work hard to bring these potential violations to the attention of the
 >regulatory agencies. Their concerns should be rewarded.

>
 >Thank you for allowing me to comment on the Complaint. I do hope the
 >discharges above the limit have ceased. I would kindly like a reply
 >to this query.

>
 >
 >Friends of Loma Alta Creek
 >Nadine L Scott, Attorney
 >550 Hoover St.
 >Oceanside CA 92054
 >
 >760-757-6685
 >www.lomaaltacreek.org

>
 >*****
 >Email thread from 2007- read from the bottom up
 >
 >X-Apparently-To: deannie550@sbcglobal.net via 68.142.201.82; Tue, 22
 >May 2007 07:32:26 -0700
 >X-Originating-IP: [209.242.149.227]
 >Authentication-Results:
 >mta105.sbc.mail.mud.yahoo.com from=ci.oceanside.ca.us;
 >domainkeys=neutral (no sig)
 >X-Originating-IP: [209.242.149.227]
 >X-SEF-Processed: 5_0_0_816__2007_05_22_07_32_25
 >X-SEF-11FC95EC-4A93-40A6-9A4E-D3B53780E1F5: 1
 >Subject: RE: Mountain Water & Ice
 >Date: Tue, 22 May 2007 07:32:25 -0700
 >X-MS-Has-Attach:
 >X-MS-TNEF-Correlator:
 >Thread-Topic: Mountain Water & Ice
 >Thread-Index: AcecG9CAYvendrUKT5qCfK5AfnBijQAYeDPw
 >From: "Mo Lahsaiezadeh" <mlahsaie@ci.oceanside.ca.us>
 >To: <deannie550@sbcglobal.net>
 >X-OriginalArrivalTime: 22 May 2007 14:32:25.0221 (UTC)
 >FILETIME=[041D9B50:01C79C7E]

>
 >I think it would be very effective if you could contact them and get
 >the information that you need. Thanks a bunch

>
 >
 >Mo. Lahsaie, Ph.D., REHS
 >Clean Water Program Coordinator

>
 >
 >*****
 >From: deannie550@sbcglobal.net [mailto:deannie550@sbcglobal.net]
 >Sent: Monday, May 21, 2007 7:48 PM
 >To: Mo Lahsaiezadeh
 >Subject: RE: Mountain Water & Ice

>
 >would you be willing to call down there or would you rather I do it?

>
 >At 05:01 PM 5/21/2007, you wrote:
 >
 >RWQCB files for his facility is a public record and I believe we can
 >always check their permit to see if there is any potential for
 >violation of their permit requirements.

>
 >
 >Mo. Lahsaie, Ph.D., REHS
 >Clean Water Program Coordinator

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>From: deannie550@sbcglobal.net [mailto:deannie550@sbcglobal.net]
>Sent: Monday, May 21, 2007 10:34 AM
>To: Mo Lahsaiezadeh
>Subject: RE: Mountain Water & Ice
>
>Ok...thanks. So it sounds like it's ok. Are you going to ask RWQCB
>to check again?
>Have a good week.
>N
>
>At 08:56 AM 5/21/2007, you wrote:
>
>Hello again. I discovered this site almost 4 years ago when I started
>my job in Oceanside. I checked their discharge status with the RWQCB
>in San Diego and we were told that they are under an Industrial Storm
>Water Permit/Waste Discharge Requirements (WDR) with the Regional
>Board. They have effluent limit standards that they must comply with.
>The rusty color is related to the iron oxide that could be due to
>iron removal from the water before making the ice!!
>
>
>Mo. Lahsaie, Ph.D., REHS
>Clean Water Program Coordinator
>Water Utilities Department
>300 North Coast Highway
>Oceanside, CA 92054
>Tel: (760) 435-5803
>Fax:(760) 435-5814
>E-MAIL: mlahsaie@ci.oceanside.ca.us
>Website:www.oceansidecleanwaterprogram.org
>Please note that all communications via e-mail and voice messages are
>the property of the City and are stored for the next two years.
>

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>From: deannie550@sbcglobal.net [mailto:deannie550@sbcglobal.net]
>Sent: Friday, May 18, 2007 2:40 PM
>To: Mo Lahsaiezadeh
>Subject: Mountain Water & Ice
>
>I went by Mountain Water & Ice at 2843 Benet Road and they are
>discharging into a culvert.
>Can you see if they have a discharge permit? The water looked pretty
>clean and smelled clean but
>was causing rust stains at the source of discharge.
>I also have concerns as there are two different pipes discharging.
>Thanks and please let me know what you found out.
>Pix attached.
>Thanks,
>Nadine
>
>Nadine L Scott
>550 Hoover St.
>Oceanside, CA 92054
>760-757-6685
>Think with Kindness
>
>
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