

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

SPECIAL BOARD ORDER R7-2016-0009
RESCINDING CLEANUP AND ABATEMENT ORDER R7-2014-0033
NATIONAL BEEF CALIFORNIA, LP, OWNER/OPERATOR
WASTEWATER TREATMENT FACILITY
BRAWLEY – IMPERIAL COUNTY

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board), finds:

1. National Beef California, LP (Discharger), owns and previously operated a slaughterhouse (Facility) located at 57 Shank Road, Brawley, CA 92227. NBC is a wholly-owned subsidiary of National Beef Packing Company, LLC (headquartered in Kansas City, Missouri), which in turn is a subsidiary of Leucadia National Corporation. It also owns and previously operated an on-site wastewater treatment facility (WWTF) that provided wastewater treatment and disposal services for the Facility. Attachment A, incorporated herein and made part of the Board Order by reference, shows the location of the Facility.
2. The WWTF consists of primary screens, two Dissolved Air Flotation (DAF) units, an anaerobic digester (Pond 1), an intermediate dissolved air flotation unit, an aerobic activated sludge pond (Pond 2), a clarifier, a polishing pond (Pond 3), which consists of a clarifier (Ponds 3A/B) and diversion pond (Pond 3C), a suspended air flotation (SAF) unit, and a belt filter press for dewatering solids. All three ponds are unlined. The WWTF also includes an unlined storm water pond onsite that is not considered part of the WWTF.
3. On March 20, 2014, the Colorado River Basin Water Board adopted Cleanup and Abatement Order (CAO) R7-2014-0033 to address water quality concerns because the unlined ponds did not meet regulatory requirements and to address the then impending closure of the Facility. The CAO provided two alternatives depending on whether the Facility was to remain in operation. Alternative 1 applied if the Facility remained in operation and required the Discharger to provide two technical reports and time schedules: (1) to describe implementation plans to bring Pond 1 into full compliance with Title 27, California Code of Regulations (CCRs), Section 20005, et seq., and to propose a monitoring program that includes monitoring for Ponds 2 and 3 to detect, characterize, and respond to any releases; and (2) to describe design plans and specifications for proposed WWTF upgrades, to eliminate the threat to areal groundwater posed by the incidental discharge from Ponds 2 and 3, and to prevent nuisance conditions associated with the WWTF. CAO Alternative 2 applied if the Discharger ceased operations at the Facility. The directives in Alternative 2 are described below.
4. The Discharger ceased Facility operations on May 23, 2014. Consequently, Ordered Paragraph B.1 of CAO R7-2014-003 applies and, states that:

“[Ordered Paragraph B.1]...the Discharger shall **by June 5, 2014**:

- “a. Procure the services of a professional experienced in the preparation of [California Environmental Quality Act] documents (e.g., Initial Studies, Negative Declarations, and Environmental Impact Reports) and procedures to assist the Colorado River Basin Water Board in completing its obligations under CEQA for adopting WDRs for the closure of the wastewater facilities. The Discharger shall provide the contact information of the professional (individual or project manager if from a company) by **July 12, 2014**, to the Colorado River Basin Water Board.

Special Board Order R7-2016-0009
Rescinding Cleanup and Abatement Order R7-2014-0033
National Beef Brawley Slaughterhouse WWTF

“b. Submit a technical report with a time schedule addressing compliance with the closure requirements contained in Title 27, CCRs, commencing with Section 20950 for Pond 1 to the extent feasible, and addressing compliance with the Porter-Cologne Water Quality Control Act (commencing with Water Code section 13000) and applicable implementing regulations for the closure of Ponds 2 and 3 to protect water quality and to prevent conditions of pollution and nuisance; and

“c. Submit a technical report with proposed plans and specifications to also close the on-site storm water pond so as to eliminate any storm water discharges from it, and remove and properly dispose of all wastes (.e.g., solids and wastewater) from all of the other on-site wastewater treatment facilities and unit processes (e.g., DAF unit and the hide curing facility), and prevent wastewater treatment units from capturing and accumulating precipitation in a manner that it would threaten or create nuisance conditions.”

5. In May 2014 and pursuant to CAO R7-2014-0033, Ordered Paragraph B.1.a, above, the Discharger secured the services of a professional to assist the Colorado River Basin Water Board prepare California Environmental Quality Act (CEQA) documents for the closure of the WWTF. Therefore, the Discharger complied with Ordered Paragraph B.1.a, above. Subsequently, on November 13, 2014, the Colorado River Basin Water Board adopted a Negative Declaration for the closure of the WWTF.
6. On June 5, 2014, and pursuant to CAO R7-2014-0033, Ordered Paragraph B.1.b, above, the Discharger submitted a technical report with a time schedule, addressing compliance with the closure requirements contained in Title 27, CCRs. Therefore, the Discharger complied with Ordered Paragraph B.1.c, above. By letter dated August 25, 2014, the Executive Officer approved the implementation of the technical report to close the WWTF. Since then, Ponds 2 and 3 have been decommissioned and are dry with most of the dewatered sludge still in the ponds. Pond 1 is a covered anaerobic lagoon and has a recirculation system to maximize anaerobic biodegradation. No sludge has been removed from Pond 1.
7. The Facility's storm water pond is covered under the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Industrial Activities Order 2014-0057-DWQ (NPDES No. CAS000001). Because of the foregoing, and in response to CAO R7-2014-0033, Ordered Paragraph B.1.c, above, the Discharger informed the Colorado River Basin Water Board that it was keeping the storm water pond operational and as a key asset of its Facility. Thus, Ordered Paragraph B.1.c's directive is no longer applicable. Moreover, because the Discharger is in compliance with Order 2014-0057-DWQ, the Discharger has also effectively complied with the other requirements in CAO R7-2014-0033, Ordered Paragraph B.1.c, above.
8. One World Beef, LLC (OWB), has entered into a Purchase and Sales Agreement (Agreement) to buy the Facility from the Discharger. The Facility is expected to be sold presently to OWB pursuant to the Agreement.
9. OWB proposes to resume operations at the Facility in February 2016 and discharge wastewater at two locations: (1) to areal groundwater through the three existing unlined wastewater ponds and (2) from the WWTF into the city of Brawley municipal wastewater collection system for further treatment and disposal at the city of Brawley Wastewater Treatment Plant (Brawley WWTP). OWB submitted an application and Report of Waste Discharge (ROWD) for Waste

Special Board Order R7-2016-0009
Rescinding Cleanup and Abatement Order R7-2014-0033
National Beef Brawley Slaughterhouse WWTF

Discharge Requirements (WDRs), dated November 25, 2016, for its proposed on-site discharges of wastes.

10. On January 14, 2016, the Colorado River Basin Water Board adopted Waste Discharge Requirements (WDRs) Order R7-2016-0007 for OWB's proposed on-site discharges of wastewater in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder.
11. On January 14, 2016, the Colorado River Basin Water Board also adopted Time Schedule Order (TSO) R7-2016-0008 for OWB, pursuant to Sections 13267 and 13300 of the CWC. The TSO requires OWB to bring its unlined ponds into full compliance with WDRs Order R7-2016-0007 and other TSO requirements in accordance with a time schedule.
12. Based on the foregoing, the Discharger has complied with the directives in CAO R7-2014-0033. However, CAO R7-2014-0033 is now unnecessary because OWB is presently resuming Facility operations and because TSO R7-2016-0008 requires OWB to bring onsite discharges of waste into compliance with all applicable regulations. Accordingly, this Special Board Order (R7-2016-0009) rescinds CAO R7-2014-0033.
13. The Board has notified the Discharger and all known interested agencies and persons of its intent to adopt this Special Board Order rescinding CAO R7-2014-0033, and has provided them with an opportunity for a public meeting and an opportunity to submit comments
14. Issuance of this Special Board Order rescinding CAO R7-2014-0033 to enforce CWC, Division 7, Chapter 5.5 is exempt from the provisions of CEQA (Pub. Resources Code, § 21000 et seq.), in accordance with Section 15321 ("Enforcement Actions by Regulatory Agencies") Title 14, California Code of Regulations.
15. The Board, in a public meeting, heard and considered all comments pertaining to this Special Board Order.

IT IS HEREBY ORDERED, that Cleanup and Abatement Order R7-2014-0033 is rescinded upon the effective date of this Special Board Order.

I, Jose L. Angel, Interim Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on January 14, 2016.

Ordered By: _____
JOSE L. ANGEL
Interim Executive Officer

Date

Attachment A – Facility Location Map

