

California Regional Water Quality Control Board, Colorado River Basin  
Prosecution Team Evidence  
on the matter of  
Administrative Civil Liability Complaint R7-2014-0041  
Exhibit 32



# California Regional Water Quality Control Board Colorado River Basin Region



73-720 Fred Waring Drive, Suite 100, Palm Desert, California 92260  
(760) 346-7491 • FAX (760) 341-6820  
<http://www.waterboards.ca.gov/coloradoriver>

Matthew Rodriguez  
Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

January 26, 2012

Brian Webb, General Manager  
National Beef Company  
P.O. Box 1211  
57 East Shank Road  
Brawley, CA 92227

Dear Mr. Webb:

**SUBJECT: NATIONAL BEEF COMPANY REPORT OF WASTE DISCHARGE,  
ADDITIONAL INFORMATION REQUIRED, BRAWLEY, IMPERIAL COUNTY**

On May 27, 2011, I issued a letter requiring National Beef Company to submit a Report of Waste Discharge (ROWD) for onsite discharges of waste pursuant to Section 13260 of the California Water Code. The ROWD received on June 30, 2011 did not provide all of the required information.

The required information as described in the Regional Water Board letter was as follows (in italics):

- *A complete wastewater flow diagram for the plant, showing the various waste streams generated by onsite operations (e.g., wastewater from pen areas, from the kill floor, from cleaning/washing operations; sludges; etc.) through the pretreatment ponds where each stream is disposed of, including into the City's sewage collection system, and the design criteria for each treatment process;*

National Beef Company (NBC) provided a flow diagram and identified the waste streams generated. However, it did not provide design criteria for any of the treatment units. NBC must provide the design criteria for all of the wastewater treatment units at your facility.

- *Analyses showing the typical physical, chemical, and biological characteristics of each waste stream;*

NBC provided some chemical data for the Dissolved Air Flotation (DAF) unit and Pond 1 (of 3 ponds). However, it did not provide wastewater analyses for the individual or composite waste streams (influent to the pre-treatment system). NBC must provide the typical physical, chemical, and biological characteristics of each waste stream generated by the plant.

- *The average and maximum daily (or monthly as appropriate) flow and volume for each waste stream. In the case of sludge, the report shall specify the quantity of sludge generated in tons/month (or lbs/day as appropriate);*

The report details the quantity of sludge generated. Although the report states that about 1.5 MGD is discharged the City of Brawley collection system, it does not quantify the individual internal waste streams. NBC must provide flow volume data for all internal waste streams generated from each from each process.

In addition, NBC must provide the additional clarification regarding its Form 200 application as follows:

- II. Type of Discharge. NBB has indicated "Other, Discharge to POTW". The ROWD was to address discharges to ponds. "Land Treatment Unit" and "Industrial Process Wastewater" should also be indicated.
- V. California Environmental Quality Act (CEQA). The City of Brawley is identified as the Lead Agency. NBC states that a public agency has not determined the project to be exempt from CEQA and then on the next line states that "UPGRADE OF EXISTING TREATMENT SYSTEM" is the basis for exemption. NBC must provide documentation that the project has been determined to be exempt from CEQA by the City of Brawley.

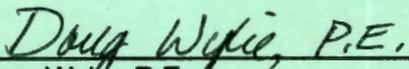
The ROWD is also required to contain a hydrogeologic analysis showing infiltration/evaporation rates, analysis of the soils beneath the waste disposal ponds, depth to groundwater, a water balance for the ponds and an analysis of the existing groundwater quality. Furthermore, State Water Resources Control Board (State Water Board) Resolution No. 68-16 (Anti-degradation Policy) requires the Regional Water Board to demonstrate that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than as described in plans and policies. NBC is required to submit an anti-degradation analysis summarizing the effects of wastewater discharges from the facility on receiving waters.

An amendment to the Engineering Report must be prepared by a California registered civil engineer experienced in the design of industrial wastewater treatment and disposal facilities. The amendment to the ROWD must be submitted to this office **by February 29, 2012**. Failure to submit a complete ROWD as requested may subject National Beef Company to administrative civil liability of up to one thousand dollars per day (\$1000/day) for each day the ROWD is late or incomplete.

Upon receiving a complete ROWD, we will draft Waste Discharge Requirements (WDRs) for Regional Water Board consideration of adoption at one of the Regional Water Board's regularly schedule meetings. To the extent that NBC threatens violation of the WDRs (or any other Regional Water Board order), we will also recommend the Regional Water Board also adopt enforcement to protect water quality and ensure compliance with all Regional Water Board orders.

Enclosed you will find the ROWD – Application requirements in a summary outline to assist you in compiling a complete ROWD. If you have any questions concerning this matter, please contact me at (760) 346-6585.

Sincerely,

  
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Doug Wylie, P.E.  
Senior Water Resources Control Engineer  
Colorado River Basin  
Regional Water Quality Control Board

JC/tab

Enclosures: ROWD Application Requirements

cc: Rosanna Moore, City Manager, City of Brawley, 383 Main Street, Brawley, CA 92227

File: WDID 7A 13 5006 001, National Beef Company - WWTF

## **Report of Waste Discharge – Application Requirements.**

1. Completed State Form 200.
2. Engineering Report providing:
  - a. Summary report describing the proposed project (short and long term operational/service objectives).
  - b. Description of the proposed treatment facility
    - i. treatment process units (type of treatment technology)
    - ii. design hydraulic capacity (flow capacity) and hydraulic detention time
    - iii. design influent and effluent parameters (BOD, TSS, TDS, pH, nutrients, etc.)
    - iv. design disposal capacity (percolation/evaporation rates and disposal area)
    - v. residual solids (types and quantities)
    - vi. chemical usage
    - vii. operational maintenance and controls
    - viii. vicinity map
    - ix. schematic flow diagram of treatment process train
  - c. Characterization of water supply to the community (TDS, general minerals)
3. Geotechnical report describing:
  - a. hydrogeologic setting
    - i. topography, elevation, climate
    - ii. surface waters, drainage courses
    - iii. precipitation rate
    - iv. evaporation rate
    - v. depth to groundwater
    - vi. groundwater characterization (TDS, nutrients, general minerals, metals, VOCs)
  - b. proximity/distance to existing or proposed groundwater wells (municipal/domestic/other)
  - c. soils classification analysis
  - d. percolation/infiltration rate results
  - e. seismic design analysis/criteria
4. CEQA - Initial Study, Negative Declaration or Mitigated Negative Declaration, EIR/EIS if required, and CEQA Notice of Determination.
5. Anti-degradation analysis showing compliance with State Water Board Anti-degradation Policy 68-16. Analysis describes existing groundwater conditions and groundwater quality. Describe impacts of discharge, in particular, how discharge will affect beneficial uses and water quality objectives.