



Colorado River Basin Regional Water Quality Control Board

CERTIFIED MAIL: 7011 1570 0002 3732 5439

February 28, 2013

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

Dear Ms. Moore:

SUBJECT: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R7-2013-0028; CITY OF BRAWLEY WASTEWATER TREATMENT PLANT

Enclosed please find Administrative Civil Liability (ACL) Complaint R7-2013-0028 (Complaint) issued pursuant to California Water Code section 13323, alleging violations by City of Brawley Wastewater Treatment Plant (Discharger) of the effluent limitations set forth in Waste Discharge Requirements (WDRs) Orders R7-2005-0021 and R7-2010-0022 (National Pollutant Discharge Elimination System Permit CA7000009). The Complaint proposes that administrative civil liability be assessed against the City of Brawley in the amount of \$1,734,778 for those violations identified in the Complaint and to cover our staff costs related to this matter, pursuant to state laws and policies.

The Colorado River Basin Regional Water Board (Regional Water Board) tentatively scheduled a Hearing to consider this matter on May 16, 2013, in the City of Palm Desert, California at the Board Room of the Regional Water Board, located at 73-720 Fred Waring Drive, Suite 100. At this Hearing, the Regional Water Board will consider whether to impose administrative civil liability as proposed in the Complaint or for a different amount up to the maximum penalty provided for by law, decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The City of Brawley may contest the proposed administrative civil liability at the Hearing or, in the alternative, may waive its right to the Hearing by signing the Waiver attached to the Complaint and pursuing one of the following options:

- a. Pay the proposed liability in full by submitting a check for \$1,734,778 with the Waiver;
- b. Request that the Regional Water Board postpone the date of the public hearing;
- c. Propose a Supplemental Environmental Project (SEP), where partial payment of the penalty may be deferred towards completion of an environmental project (Please reference the State Water Board's SEP Policy at the following link for more information on such projects):
http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/rs2009_0013_sep_finalpolicy.pdf).

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260 | www.waterboards.ca.gov/coloradoriver

The Waiver describes the process in further detail. If the Regional Water Board staff does not receive the City's Waiver within 30 days from the date of this letter, this matter will proceed to a Hearing before the Regional Water Board on May 16, 2013. Because a 30-day public comment period is required under federal law for any proposed settlement of administrative civil liability, any payment or settlement proposal submitted will not be effective until this public comment period has ended.

Please refer to the enclosed Notice of Public Hearing for additional information about the Regional Water Board's process, Hearing procedures, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a Hearing, making objections or rebuttals to evidence, etc.).

Sincerely,



Jose Angel
Assistant Executive Officer
Colorado River Basin
Regional Water Quality Control Board

DW/sw

Enclosures: Administrative Civil Liability Complaint R7-2013-0028
Waiver of Hearing Form
Public Notice 7-13-14 and Hearing Procedure
Invoice R7-2013-0028

cc w/encl: Regional Board Members
Robert Perdue, Executive Officer
Tom Vandenberg, Office of Chief Counsel, SWRCB, Sacramento
Anna Kathryn Benedict, Office of Enforcement, SWRCB, Sacramento
Ellen Howard, Office of Enforcement, SWRCB, Sacramento
Doug Eberhardt, USEPA Region IX, Chief, Permitting and Standards Section
(WTR-5), San Francisco
Matthew Maclear, Cal EPA, Sacramento

cc w/o encl: California Department of Health Services, Office of Drinking Water, San Diego
California Department of Water Resources, Glendale
California Department of Fish and Game, Ontario
Imperial County Department of Environmental Health, El Centro

File: 7A 13 0100 011, City of Brawley, Board Order R7-2010-0022