

California Regional Water Quality Control Board, Colorado River Basin  
Prosecution Team Evidence  
on the matter of  
Administrative Civil Liability Complaint R7-2014-0041  
Exhibit 25



# CITY OF BRAWLEY

PUBLIC WORKS / CITY ENGINEER  
180 S. WESTERN AVENUE  
BRAWLEY, CALIFORNIA, 92227  
PHONE: (760) 344-5800  
FAX: (760) 344-5612

KML  
2/13/13

January 14, 2013

Mr. Dave Kalscheur  
VP Engineering  
National Beef Packing Company, LLC  
P.O. Box 539  
Dodge City, KS 67809

Aug. Flow  
= 1.6 MGD

(45% of  
flow)

**Re: National Beef Slug Loads, Slug Control Plan & Significant Industrial User Wastewater Discharge Permit**

\$170,000

MMPs (2012)

Dear Mr. Kalscheur:

This letter shall serve as the City of Brawley's formal notification that National Beef cease the discharge of slug loads to the POTW immediately.

The City of Brawley's Publicly Owned Treatment Works (POTW) has experienced random slug loads from National Beef's wastewater pretreatment operations. Chapter 22 of the City of Brawley Municipal Code defines a slug load as *discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards.*

Over the course of the last several months, the City has frequently detected slug loads originating from National Beef. The slugs reflect a particular pattern based on POTW operators observations. They typically occur over the weekend and during periods of high flow discharge emanating from National Beef's pretreatment operations as well as National Beef's second discharge point (described below as Discharge Point No. 2 and previously described as an illicit connection which continues to discard high concentrations of pollutants). While National Beef contends that Discharge Point No. 2 is strictly domestic and essential to National Beef's operations, the City continues to characterize this unmetered second discharge point as not only illicit but also as a non domestic industrial discharge.

The slugs are characterized by high concentrations of Total Suspended Solids (TSS) and Chemical Oxygen Demand (COD).

Listed below are the times and dates of slug releases which have been documented from November 2012 to January 2013:

Date of Slug Releases	TSS mg/l	COD mg/l	Discharge Point No.
January 3, 2013		775	2
January 2, 2013		2,515	1
December 26, 2012		980	2
December 17, 2012		1,078	2
December 12, 2012		869	2
December 10, 2012		1,245	2
December 3, 2012		1,377	2
November 28, 2012	1,674		2
November 20, 2012	502		2

November 19, 2012	1,652		2
November 14, 2012	808		1

Section 22.15(a) of the Brawley Municipal Code generally prohibits any user from *introduc[ing] or caus[ing] to be introduced into the POTW any pollutant or wastewater which causes pass through or interference*. However, National Beef is designated as a significant industrial user *on the basis that [the user] has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement*. Section 22.15(b) specifically prohibits the introduction or cause for introduction to the POTW *sludges, screenings, or other residues from the pretreatment of industrial wastes*.

Per Section 22.27 of the Brawley Municipal Code, National Beef shall submit a Slug Control Plan within 30 days of this letter for the City's review and approval. The Slug Control Plan shall address the prevention of slug load introduction into the City's POTW and minimally address the following:

1. Description of discharge practices, including non-routine batch discharges
2. Description of stored chemicals
3. Procedures for immediately notifying the City's Operations Division Manager, or the Superintendent's designee, of any accidental or slug discharge
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to:
  - a. Inspections and maintenance of storage areas
  - b. Handling and transfer of materials
  - c. Loading and unloading operations
  - d. Control of plant site run off
  - e. Worker training
  - f. Building of containment structures or equipment
  - g. Measures for containing toxic and organic pollutants, including solvents
  - h. Equipment for emergency response
  - i. Management of liquid and solids in treatment basins

The Slug Control Plan shall be reviewed by the City of Brawley prior to acceptance.

In addition, the City requires that National Beef obtain a Wastewater Discharge Permit. Per Section 22.31(a) of the Brawley Municipal Code, *no significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent*. National Beef shall submit a complete City of Brawley Wastewater Discharge Permit Application (attached for easy reference) within the next thirty days.

The City of Brawley is obligated by State and Federal laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) to protect publicly owned treatment works. Fulfilling these obligations requires involvement of significant industrial users. National Beef's attention to the above-described matters is much appreciated. Please feel free to contact me if you have any questions at (760) 344-5800 Ext. 19.

Sincerely,



Yazmin Apellano-Torres, P.E.  
Public Works Director/City Engineer

cc: Rosanna Bayon Moore, City Manager  
Ruben Mireles, Operations Division Manager  
Chuck Peraza, Interim Fire Chief  
Brian Webb, National Beef  
Bud Ludwig, National Beef

