

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 91-048
AGAINST
CITY OF BRAWLEY
BRAWLEY AIRPORT PESTICIDE WASTE FACILITY
BRAWLEY, CALIFORNIA

The Executive Officer of the California Water Quality Control Board, Colorado River Basin Region, finds that:

1. The City of Brawley owns and operates the Brawley Municipal Airport located at 1050 North Eastern, Brawley, Imperial County, California.
2. Principal users of the airport include aerial applicators of agricultural pesticides and herbicides, who previously maintained on-site operating facilities including loading, storage, and washdown areas for their aircraft and equipment.
3. Past operations have included use of a 70' X 70' unlined surface impoundment constructed in 1976 and used to collect pesticide washwaters. Equipment washing facilities consist of a concrete washpad with a drain inlet. The drain inlet is connected by a pipeline to an open unlined impoundment. Two outfalls enter the impoundment, one on the southwest corner and one on the northwest corner.
4. Waste Discharge Requirements, Board Order No. 75-063 were issued for this impoundment. This order allowed the discharge of 520,000 gallons per year of pesticide spray residue and washwater from aircraft and other vehicles into the surface impoundment. The surface impoundment was removed from service August 1, 1987.
5. The Water Quality Control Plan for the Colorado River Basin Region of California was adopted by the Board on November 14, 1984.
6. The designated beneficial uses of ground waters in the Imperial Hydrologic Unit are:
 - a. Municipal supply (MUN)
 - b. Industrial supply (IND)

Shallow ground waters in this area of the hydrologic unit are saline and generally not beneficially used, although this ground water may be contiguous with surface waters supporting aquatic life.

7. In May, 1987, the City of Brawley retained a consultant to determine if the impoundment contained hazardous waste, making it subject to the Toxic Pits Cleanup Act. Results from laboratory analyses of samples taken from five different locations at a depth of zero to one foot indicated the presence of lindane and 4,4'DDE in sludge from the impoundment at hazardous levels. Subsequently the City of Brawley was notified by the Board on October 27, 1986 that the impoundment was subject to Article 9.5, Chapter 6.5, Division

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Rescinded

20 of the Health and Safety Code (HSC), also known as the Toxic Pits Cleanup Act (TPCA).

8. The TPCA requires that all persons discharging liquid hazardous wastes or hazardous wastes containing free liquids to a surface impoundment must file a Hydrogeologic Assessment Report (HAR) in accordance with the HSC Sections 25208.7 and 25208.8.
9. Discharge is defined to include placement, disposal, or storage of hazardous wastes in a surface impoundment [HSC Section 25208.2 (f)].
10. Following determination of TPCA status, the City of Brawley ceased operations at the facility on August 1, 1987 and allowed all liquid to evaporate from the impoundment. By letter of March 28, 1988, the City indicated soil treatment including bioremediation was underway. The extent and duration of this treatment is unknown.
11. A Hydrogeologic Assessment Report (HAR) was submitted and received in this office July 13, 1988. Following Board staff review, a revised HAR was requested and submitted. The revised HAR was received November 5, 1990. The revised HAR was reviewed by Board staff and approved. The City of Brawley was released from TPCA April 3, 1991.
12. A closure plan for the facility was submitted and received December 3, 1990. Following Board staff review of the revised HAR and closure plan, results of the September 1990 soil sampling indicate that the residual contaminated soil inside the surface impoundment contains concentrations of DDE at 47mg/kg and endosulfan at 840 mg/kg. Pursuant to Title 22 Section 66699 of the California Code Of Regulations (CCR), DDE is hazardous waste at concentrations greater than 1 mg/kg. Endosulfan I and II are listed hazardous waste pursuant to 10 CFR part 261, Federal Code of Regulations. Endosulfan is further classified as hazardous waste pursuant to Section 66680, Article 9, Chapter 30 of CCR.
13. As owner of the Brawley Airport surface impoundment, the City of Brawley has caused or permitted the discharge of pesticide wastewater into an unlined surface impoundment which has concentrated into hazardous waste, which pollutes or threatens to pollute underlying groundwater.
14. Section 13304 of the California Water Code states, in part, that:

"Any person... who has caused or permitted... any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the Regional Board cleanup such waste or abate the effects thereof, or in the case of threatened pollution or nuisance, take other necessary remedial action".

Upon failure of any person to comply with such Cleanup and Abatement Order, the Attorney General at the request of the Board, shall petition the superior court for that County for the issuance of an injunction requiring such person to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the fact may warrant [Water Code, Section 13304 (a)].

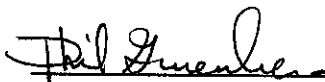
15. This enforcement action is being taken for the protection of the environment and as such is exempt from the California Environmental Quality Act pursuant to Section 15321, Chapter 3, Title 14 of the California Code of Regulations.
16. Any person affected adversely by this action of the Board may petition the State Board within 30 days of the date on which the Board took action. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED that pursuant to Sections 13304 and 13267 of the California Water Code the City of Brawley shall comply with the following tasks and time schedule. Technical reports submitted in accordance with the following time schedule must be prepared under the direct supervision of a qualified individual who is a California registered civil engineer or certified engineering geologist. All plans and time schedules are subject to approval by the Executive Officer. Submitted time schedules become a part of this order once approved by the Executive Officer.

Tasks:

1. Closure of the surface impoundment:
 - a) Obtain variance or permit for remediation of hazardous waste from the Toxic Substances Control Program (TSCP) of the California EPA.
 - b) Submit a technical report by October 1, 1991. This report should contain an evaluation of all closure options, including discussion and rationale for option chosen. Include workplan and time schedule to achieve cleanup work.
 - c) Choose consultant and let contract for work by January 1, 1992.
 - d) Final Closure, all activities completed June 30, 1992.
2. Post Closure monitoring and maintenance:
 - a) Submit post-closure monitoring and maintenance plan for Regional Board approval by January 1, 1992.
3. Post-Closure order will be written by Regional Board.

Failure to comply with the provisions of this order may subject you to further enforcement action, including but not limited to, assessment of civil liability under Section 13268 and 13350 of the California Code for injunctive relief and civil or criminal liability.


PHIL GRUENBERG
Executive Officer

8-13-91

Date