

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

TIME SCHEDULE ORDER NO. 99-054

ISSUED TO

**CITY OF BRAWLEY, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT
Brawley - Imperial County**

The Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter referred to as the Regional Board) finds that:

1. The City of Brawley, Owner/Operator (hereinafter referred to as the discharger), owns and operates the City of Brawley Wastewater Treatment Plant. The plant is located at 400 Main Street, Brawley, California, 92227. The facility is designed to treat 3.9 million gallons-per-day of wastewater.
2. The treatment system at this facility consists of a bar screen, grit chamber, two primary clarifiers, two aeration ponds and three stabilization ponds. Sludge is digested in aerobic digesters and dried in sludge drying beds.
3. On March 29, 1995, the Regional Board adopted Board Order No. 95-014 (NPDES No. CA 0104523) that allows for discharge of treated wastewater to the New River. Board Order No. 95-014 specifies effluent limitations, prohibitions, specifications, and provisions necessary to protect the beneficial uses of surface waters in Imperial County.
4. Finding No. 3 of Board Order No. 95-014 states that:

"The discharger presently discharges a monthly average flow of 3.15 million gallons-per-day of secondary treated wastewater to the New River, from a plant having a design capacity of 3.9 million gallons-per-day. Treatment consists of a bar screen, grit chamber, two primary clarifiers, two aeration ponds and three stabilization ponds. Sludge is treated by anaerobic digestion, dried in sludge drying beds and accumulated at the site prior to disposal."

5. Provision No. 35 of Board Order No. 95-014 states that:

"The discharger shall provide a report to the Regional Board when it determines that the plant is operating at 80 percent of the design capacity specified in Finding No. 3, above. The report should indicate what steps, if any, the discharger intends to take to provide for the expected wastewater treatment capacity necessary when the plant reaches design capacity."

6. On April 7, 1993, during a plant inspection, staff noted that the plant exceeded 80 % of its design capacity (3.12 million gallons-per-day). On inquiry staff was informed that a consultant (Engineering Science) was working on the design of the plant expansion and the final design would be sent to this office.
7. On May 25, 1993, Mr. Dave Guggemos, of Engineering Science, telephoned Regional Board staff. Mr. Guggemos said that he was working on the design of the plant and discussed permit requirements.
8. On November 11, 1993, during a plant inspection, the Public Works Director discussed the proposed plant expansion.
9. In a letter dated June 14, 1994, in addition to other requests, staff asked the City of Brawley to address the issue of plant expansion and requested a status report.
10. On September 30, 1994, during a plant inspection, the Public Works Director discussed the plant expansion with staff.
11. On March 15, 1995, during a plant inspection, staff was told that the City was discussing plant expansion with several firms.

12. In a letter dated June 7, 1995, staff asked for the status of the wastewater treatment plant expansion.
13. In a letter to the Regional Board's Executive Officer dated October 8, 1995, the City stated that the design work was well underway and that the design would be available for construction by July, 1996.
14. During the December 20, 1995 inspection, staff was told that a new consultant, Black & Veatch was working on the plant design. Staff requested a project description and final drawings, when available.
15. In a letter dated April 8, 1996, Regional Board staff requested additional information for the proposed facility.
16. In a letter dated April 17, 1996, Black & Veatch, requested disinfection requirements for the proposed plant.
17. On May 30, 1996, consultants Black & Veatch submitted a project description for the proposed facility.
18. On July 21, 1996, in a telephone conversation with the Public Works Director, staff was told expansion of the plant was contingent on funding by the City Council, who had not yet provided any funding.
19. On October 9, 1996, the Public Works Director, in a telephone conversation with staff, said that the plant design would be complete in four months.
20. On June 3, 1997, a staff letter requested additional information and a compliance schedule for the proposed facility.
21. By letter on August 4, 1997, a compliance schedule for the proposed plant was requested under Section 13267 of the Water Code.
22. In a letter dated August 15, 1997, the City provided staff with the following compliance schedule:

- Design Complete	March 1998
- Construction Start	June 1998
- Construction Complete	December 1998
23. In a letter dated February 11, 1998, staff expressed concerns about the plant capacity and plant design, and therefore requested additional information under Section 13267 of the Water Code .
24. In a letter dated March 9, 1998, the City indicated that the design was 90% complete and that the plans were given to the State Board for review. Furthermore, they gave staff a new compliance schedule:

- Complete Financing	End of 1998
- Complete Bidding	June 1999
- Award Contract	September 1999
- Complete Construction	May 1, 2001
25. During the April 29, 1998 inspection, staff was told that the plant expansion was in the design stage.
26. In September 1998, the plant exceeded the design capacity. Since then the wastewater treatment plant has operated close to or exceeded, the design capacity on a regular basis. Furthermore, the City of Brawley has a combined sewer system and the wastewater treatment plant does not have adequate capacity to handle stormwater flow from the storm sewer system.
27. On November 4, 1998, a letter of non-compliance for flow violations of September 1998 was sent to the City of Brawley.
28. The flow violations noted above, are documented on Attachment No. 1, which also includes flow violations that continued through February 28, 1999.

29. On November 25, 1998, the City responded to the letter of non-compliance and indicated that the City had engaged the services of Roy F. Weston Inc. to perform a Master Plan Study.
30. On December 28, 1998, in a telephone conversation, personnel from the City of Brawley informed Regional Board staff that at this time they had no final design and no funding. Roy F. Weston Inc. would do a presentation before the City Council in January 1999 and submit final recommendations in March 1999.
31. On January 14, 1999, Regional Board staff met with representatives from the City of Brawley, who indicated that they would submit a revised compliance schedule upon approval by the Brawley City Council.
32. In a letter dated February 5, 1999, the City of Brawley stated that the Brawley City Council adopted a time schedule for the expansion of the wastewater treatment plant as follows:

- Complete Bidding Documents	June 1, 1999
- Open Bids	September 15, 1999
- Award Contract	October 15, 1999
- Start Work	December 1, 1999
- Complete Work	December 1, 2001

33. The discharger is in violation of Effluent Limitation No. 1, which in part states that:

" Effluent discharged to the New River shall not contain constituents in excess of the following limits:

<u>Daily</u> <u>Constituent</u>	<u>Unit</u>	<u>Maximum</u>	
Flow	MGD	3.9	"

34. The discharger is in violation of Prohibition No. 3, which states that:

" The discharger shall not accept waste in excess of the design treatment capacity of the disposal system."

35. The discharger is in violation of Provision No. 4, which states that:

" The discharger shall comply with all conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of the Porter Cologne Water Quality Control Act and is grounds for enforcement action."

36. The discharger is in violation of Provision No. 5, which states that:

" The discharger shall comply with all conditions of this Board Order. Noncompliance constitutes a violation of the Federal Clean Water Act, and is grounds for enforcement action; for Board Order termination, revocation and reissuance, or modification; or denial of a Board Order application."

37. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993 and designates the beneficial uses of ground and surface waters in this Region.

38. The beneficial uses of waters in the New River are:

Fresh water Replenishment of Salton Sea (FRSH)
 Water Contact Recreation (REC I)
 Non-contact Water Recreation (REC II)
 Warm Water Habitat (WARM)
 Wildlife Habitat (WILD)
 Preservation of Rare, Endangered or Threatened Species (RARE)

39. Section 13300 of the California Water Code states:

"Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment or disposal facilities of a discharger are approaching capacity, the Board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."

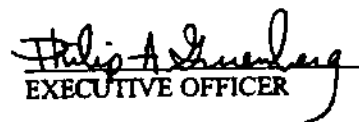
40. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Article 19, Division 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED THAT, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the discharger shall comply with the following:

1. The discharger shall take specific actions as indicated in the following time schedule, in order to achieve compliance with all the requirements of its existing or future waste discharge requirements:

<u>TASK DESCRIPTION</u>	<u>COMPLETION DATE</u>
Award Construction Contract	January 15, 2000
Start Construction	March 1, 2000
Complete Construction	March 1, 2002

2. The discharger shall submit quarterly progress reports on the status of the tasks described above. These progress reports shall be part of the facility's monthly monitoring reports. These reports shall be submitted to the Regional Board by January 15, April 15, July 15, and October 15, of each year.
3. If, in the opinion of the Regional Board's Executive Officer, the discharger fails to comply with this Order, the Executive Officer may recommend additional enforcement action, which may include monetary penalties.


EXECUTIVE OFFICER

4-30-99
DATE

I. ATTACHMENT NO. 1

CITY OF BRAWLEY
MUNICIPAL, WASTEWATER TREATMENT PLANT

Instances of Exceedances (Permitted Flow 3.9 MGD)

FLOW IN MILLION GALLONS-PER-DAY

----	3.98	3.97	3.96	----	----
----	4.06	3.94	3.98	----	----
3.98	3.91	4.02	----	----	----
----	3.91	4.07	----	----	----
3.93	----	3.97	----	4.11	----
3.97	3.91	3.93	----	----	----
3.92	----	----	----	----	----
4.27	----	4.09	----	----	----
4.00	----	3.99	----	----	----
3.96	----	----	----	----	----
----	----	----	----	----	----
----	3.94	3.95	----	----	----
3.91	4.02	----	3.91	----	----
4.05	----	4.03	4.00	----	----
----	----	----	3.97	----	----
----	3.92	4.01	----	3.95	----
3.93	----	----	----	----	----
----	----	----	----	----	----
----	----	----	----	----	4.03
----	3.97	3.97	----	----	----
----	----	----	----	----	----
4.03	----	----	----	----	----
4.01	----	----	----	----	----
----	----	----	----	----	----
----	4.21	3.94	----	----	----
----	3.98	4.00	----	----	----
----	----	3.96	----	----	----
4.00	3.92	----	----	----	----
4.04	4.00	----	----	----	----
----	3.93	----	----	----	----
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