

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

073-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
(760) 346-7491

Public Notice No. 7-08-29
NPDES Permit No. CA0104523
June 13, 2008

**NOTICE OF PUBLIC HEARING CONCERNING
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2008-0043
ISSUED TO CITY OF BRAWLEY, OWNER/OPERATOR,
MUNICIPAL WASTEWATER TREATMENT PLANT FOR
DISCHARGES OF WASTEWATER INTO THE NEW RIVER IN VIOLATION OF
BOARD ORDER NOS. 00-087 and R7-2005-0021, NPDES PERMIT NO. CA0104523,
AND CLEANUP AND ABATEMENT ORDER NO. R7-2004-0079**

The City of Brawley (Discharger) owns and operates a municipal wastewater treatment plant (WWTP). On April 3, 2008, the Assistant Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board), issued Administrative Civil Liability (ACL) Complaint (Complaint) No. R7-2008-0022 against the Discharger for alleged violations of Board Order Nos. 00-087 and R7-2005-0021 (NPDES Permit No. CA0104523), and Cleanup and Abatement Order (CAO) No. R7-2004-0079.

On June 30, 2004, the Regional Board issued CAO No. R7-2004-0079, requiring the Discharger to correct toxicity violations and threatened violations of Board Order No. 00-087 in accordance with a series of tasks and time schedule. The CAO also required the Discharger to complete construction of Wastewater Treatment Plant (WWTP) upgrades by January 31, 2006. The construction was completed on July 7, 2006--157 days late. Failure to timely complete the construction upgrades as well as noncompliance with the effluent discharge limits subjects the Discharger to enforcement action including, but not limited to, assessment of administrative civil liability.

On June 29, 2005, the Regional Board adopted Waste Discharge Requirements, and a National Pollutant Discharge Elimination System (NPDES) Permit to regulate the discharge of treated municipal wastewater to the New River. The Permit is assigned NPDES Permit No. CA0104523, Board Order No. R7-2005-0021. The discharge of wastewater from the Brawley WWTP violated the requirements prescribed in Board Order No R7-2005-0021 for free cyanide, zinc, E. coli, and total ammonia as nitrogen.

Pursuant to California Water Code (CWC) Sections 13323, 13327, 13350 and 13385, this Complaint proposed that the Discharger pay \$354,750 in Administrative Civil Liability (ACL) and MMPs for violations of CAO No. R7-2004-0079 and effluent limitations specified in Board Order Nos. 00-087 and R7-2005-0021. The Complaint also offered the Discharger with the opportunity to spend a portion of the penalty amount toward the implementation of a supplemental environmental project (SEP) that is consistent with Section IX of the Water Quality Enforcement Policy (Enforcement Policy). The Policy was adopted by the State Water Resources Control Board on February 19, 2002, as Resolution No. 2002-0040, which was approved by the Office of Administrative Law and became effective on July 30, 2002.

Pursuant to CWC Section 13323(b), the Discharger was timely informed of its right to a Public Hearing that the Regional Board had scheduled for May 21, 2008, in the Indio

Public Hearing
City of Brawley WWTP

City Council Chambers to consider the enforcement matter, and its right to waive that Public Hearing and pay the proposed ACL. Prior to that Public Hearing, the Discharger notified the Regional Board, by letter dated May 7, 2008, of its agreement to the terms and conditions set forth in ACLC No. R7-2008-0022 and to waive its right to the hearing. The Discharger also provided in that letter a settlement proposal to spend up to \$184,875 of the proposed penalty amount toward implementation of a SEP consistent with the Enforcement Policy, and to pay the remainder of the penalty of \$169,875 to the State Water Pollution Cleanup and Abatement Account, as specified in the Complaint.

The Assistant Executive Officer has accepted the settlement proposal. Accordingly, a draft ACL Order, Board Order No. R7-2008-0043, was prepared to reflect this tentative settlement and provide parties and interested persons in this matter with an opportunity to comment and/or object to the settlement.

The draft ACL Order will be placed on the calendar to be considered for adoption by the Regional Board at a public hearing, which is scheduled as follows:

Date of hearing: June 25, 2008
Time: 10:00 am
Location: Indio City Council Chambers
150 Civic Center Mall
Indio, CA 92201

During the public hearing, the public and any other person interested in this matter can provide the Regional Board with comments on this matter. The Regional Water Board may still decide to conduct a public hearing on this matter, however. Therefore, persons wishing to file written comments on or objections to, the proposed ACL Order or any other aspect of this matter are required to do so within twelve (12) days of the date of this Public Notice so that the Regional Water Board may consider the comments. The settlement of this Complaint will become final upon adoption by the Regional Water Board of the proposed ACL Order at the above-scheduled public hearing.

Comments must be mailed to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

A copy of the ACL Order, the underlying ACL Complaint, and other associated documents may be obtained from the Regional Water Board Office. Please contact Doug Wylie at (760) 346-6585 for any questions regarding this matter.

For any person who is disabled and requires special accommodations to participate in this Regional Water Board Public Hearing, please contact Hilda Vasquez at (760) 776-8950 no later than ten (10) days before the scheduled public hearing.