

73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
(760) 346-7491

Public Notice 7-13-70
Permit CA0104523
August 1, 2013

NOTICE OF PUBLIC HEARING

PROPOSED STIPULATED SETTLEMENT AGREEMENT AND ADMINISTRATIVE CIVIL LIABILITY ORDER R7-2013-0068

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

On February 28, 2013, the Assistant Executive Officer of the Colorado River Basin Regional Water Quality Control Board (Regional Water Board) issued Administrative Civil Liability (ACL) Complaint R7-2013-0028 (Complaint) to the City of Brawley, Owner/Operator of the Brawley Wastewater Treatment Plant (WWTP) (Discharger). The Complaint alleges that the Discharger violated Waste Discharge Requirements (WDRs) Order R7-2010-0022 (NPDES Permit CA0104523). The Complaint proposed to assess administrative civil liability in the amount of \$1,734,778.00. (California Water Code (CWC), §§ 13350 and 13385, subd. (c) and (h).)

The Notice of Public Hearing and Hearing Procedure regarding the Complaint was provided on February 28, 2013. (Public Notice 7-13-14.) During the 30-day period following the public notice, no comments were submitted to the Regional Water Board regarding the Complaint and/or potential settlement of the Complaint.

The Regional Water Board's Prosecution Staff subsequently met with the Discharger (collectively, the Parties) to engage in settlement negotiations. As a result, the hearing was rescheduled to September 19, 2013.

The Parties have agreed to settle the matter and intend to recommend to the Regional Water Board at the September 19, 2013 Board meeting that it adopt the proposed Stipulated Settlement Agreement as an Administrative Civil Liability Order. (Gov. Code, § 11415.60.) The Prosecution Staff believes that the resolution of the alleged violations is fair and reasonable and fulfills the Prosecution Staff's enforcement objectives, that no further action is warranted concerning the specific violations alleged in the Complaint except as provided in the Stipulated Settlement Agreement, and that this Stipulation is in the best interest of the people of the state of California.

Accordingly, to resolve by consent and without further administrative proceedings all of the alleged violations of the California Water Code set forth in the Complaint, the Discharger has agreed to pay the sum of \$1,000,000 in cash, comprised of \$378,000 in settlement of alleged Mandatory Minimum Penalties and \$622,000 in settlement of discretionary penalties. This proposed settlement amount represents an adjustment in the initial discretionary penalty portion specified in the Complaint of \$1,356,778, which was comprised of \$1,293,778 for the economic benefit derived plus 10% (added as required by the Water Quality Enforcement Policy) for the Discharger's alleged noncompliance with certain permit requirements, and \$63,000 for staff

costs. The adjustment reflects the Prosecution Staff's reconsideration of the economic benefit derived, which is based on new factual information provided by the Discharger subsequent to issuance of the Complaint and its evaluation of the litigation risks. Additional details concerning this proposed settlement are described in the proposed Stipulated Settlement Agreement and Order. The settlement is contingent on Regional Water Board approval. Copies of the proposed Stipulated Settlement Agreement and Order, Board Order R7-2013-0068, are available on the Regional Board's website at: http://www.waterboards.ca.gov/coloradoriver/water_issues/hot_topics/city_of_brawley.shtml

These documents are also available by request at the office of the Colorado River Basin Regional Water Board. You may also request a mailed copy of these documents by contacting Hilda Vasquez at 760-346-7491 or hilda.vasquez@waterboards.ca.gov.

The Regional Water Board will consider adopting the proposed Stipulated Settlement Agreement and Order during a Public Hearing that will commence at the time and place indicated:

Date: September 19, 2013
Time: 9:00 a.m.
Location: Colorado River Basin Regional Water Quality Control Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

The Regional Water Board will accept written comments regarding this proposed Stipulated Settlement Agreement and Order during a thirty (30) day public comment period, which begins August 1, 2013, and ends August 30, 2013. Persons wishing to submit written comments on the proposed Stipulated Settlement Agreement and Order are requested to do so as soon as possible, but no later than August 30, 2013. Written comments may be emailed to Prosecution Staff member Mary Serra at Mary.Serra@waterboards.ca.gov or mailed to her attention at the Regional Water Board address shown above. Written comments may also be faxed to the Regional Water Board at (760) 341-6820.

Written comments submitted after August 30, 2013, will not be accepted into the record, unless allowed by the Chair of the Regional Water Board. Comments received by this date will be considered in preparation of staff recommendations to the Regional Water Board. Also, an opportunity for oral comments will be provided at the hearing, although time limits may be imposed by the Board. Please note that all exhibits, charts, graphs, and other testimony timely presented as evidence must be left with the Regional Water Board as part of the administrative record. If you have any questions regarding these documents or this matter, please contact Jon Rokke at 760-776-8959 or jrokke@waterboards.ca.gov.

Please bring this information to the attention of anyone you know to be interested in this issue.

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