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Public Notice No. 7-14-22
Board Order R7-2014-0033
February 18, 2014

**NOTICE OF PUBLIC HEARING
FOR
CLEANUP AND ABATEMENT ORDER R7-2014-0033
FOR
NATIONAL BEEF CALIFORNIA, LP, OWNER/OPERATOR
WASTEWATER TREATMENT FACILITY
Brawley– Imperial County**

National Beef California, LP (hereinafter referred to as either the “Discharger” or “NBC”), owns and operates a slaughterhouse (Facility) located at 57 Shank Road, Brawley, CA 92227. It also owns and operates an on-site Wastewater Treatment Facility (WWTF) that provides wastewater treatment and disposal services for the Facility. Brawley Beef, LLC, formerly known as B.P. Joint Ventures, LLC, built and began operating the Facility in October 2001. The Discharger bought the Facility from Brawley Beef, LLC, on June 2, 2006, and has been operating it ever since then. The Facility processes an average of 2300 cattle per day. NBC’s products include boxed beef, ground beef, hides (a closed loop system and no tanning is involved), and other beef and beef by-products.

The on-site WWTF consists of two dissolved air flotation (DAF) units, an anaerobic digester (pond 1), an aerobic activated sludge pond (pond 2), a clarifier, a polishing pond (pond 3), a suspended air flotation (SAF) unit, and a belt press. All three on-site ponds are unlined. There is also an unlined storm water pond on-site that is not considered part of the WWTF. Wastewater from the Facility is discharged to (1) areal groundwater through the unlined ponds and (2) to the city of Brawley municipal sewage collection system. The Discharger estimated the rate of discharge to groundwater at approximately 12,800 gallons per day. Up to 1.625 million gallons per day (mgd) from the WWTF are discharged into the Brawley sewage collection system for further treatment and disposal at its Wastewater Treatment Plant (WWTP). The Colorado River Basin Water Board does not currently regulate the on-site discharge of wastewater at the Facility.

The discharge from the Brawley WWTP is governed by Waste Discharge Requirements Order R7-2010-0022 (National Pollutant Discharge Elimination System Permit No. CA0104523) and Cease and Desist Order R7-2008-0008, as amended by Special Board Orders R7-2008-0069 and R7-2010-0003. The Brawley WWTP is a publicly owned treatment works (POTW), as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 403.3, and discharges its effluent into the New River via Discharge Point 001, which is tributary to the Salton Sea. The New River and the Salton Sea are waters of the United States. The WWTP has a design capacity of 5.9 mgd.

Federal pretreatment regulations promulgated by the United States Environmental Protection Agency (USEPA) pursuant to Section 307 of the Clean Water Act (33 U.S.C. § 1317) require that any POTW (or combination of POTWs operated by the same

authority) with a total design flow greater than 5 mgd and receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards establish a POTW Pretreatment Program [40 CFR 403.8(a)]. The Brawley WWTP meets these criteria and thus, was required to establish and implement a formal Pretreatment Program Cease and Desist Order R7-2007-0008, in substantive part, also requires Brawley to develop and fully implement a Pretreatment Program.

On June 19, 2013, Colorado River Basin Water Board staff and Board counsel met with NBC corporate officers, its General Counsel, Special Counsel, and local staff to discuss regulatory matters at the Facility. During the meeting, NBC presented a proposal to make upgrades and improvements at the WWTF, including providing a higher and more reliable level of wastewater treatment to comply with the proposed Pretreatment Program from Brawley and to address Board staff concerns about the unlined impoundments and the potential groundwater pollution and nuisance conditions that could result.

Based on a groundwater investigation and wastewater characterization conducted by NBC at the request of the Colorado River Basin Water Board, the Board notified NBC in a letter, dated January 31, 2014, that Pond 1 will be regulated pursuant to Title 27 of the California Code of Regulations (CCR), and that Ponds 2 and 3 will be regulated under Division 7, Chapter 4, Article 4 [commencing with Section 13260] of the California Water Code (CWC). The letter also noted that Ponds 2 and 3 do not require a liner at this time, but recommended compaction of existing clay materials at the next regularly scheduled maintenance following installment of the new Pond 1. Further, the letter explained that all three ponds must be included in the groundwater monitoring program. Finally, the letter requested the Discharger to provide additional technical specifications for the proposed upgrades and improvements to the ponds so that Waste Discharge Requirements could be drafted for all three ponds in one Board Order.

In December 2013, Brawley submitted a final Pretreatment Program for Colorado River Basin Water Board approval (Pretreatment Program Submission). The Colorado River Basin Water Board has scheduled consideration of approval of Brawley's proposed Pretreatment Program Submission at its March 20, 2014 regularly scheduled meeting.

On January, 31, 2014, the Discharger notified the Colorado River Basin Water Board staff that it intends to close the Facility on April 4, 2014, when it would cease all slaughterhouse operations and cease the discharge of wastes at and from the Facility. Written official notification to the Colorado River Basin Water Board was submitted in a letter dated February 4, 2014. The Discharger also informed Colorado River Basin Water Board staff that it intends to retain its plant as a viable asset (i.e., keep a level of maintenance on the slaughterhouse building) in case there are opportunities to sell it for a similar or alternate business.

On February 10, 2014, Colorado River Basin Water Board staff was informed that Imperial County has formed an ad hoc committee comprised of Imperial Irrigation District staff, County staff, local cattlemen representatives, elected officials, and other agencies and stakeholders to put together a package of financial incentives in an effort to persuade NBC to stay in business. In a letter dated February 12, 2014, Senator Ben Hueso, 40th Senate District, also commented on this effort and requested the Board consider delaying for six months implementation of NBC's pretreatment capital improvements to give the committee time to negotiate with NBC.

The Colorado River Basin Water Board has reviewed these comments, and to the extent they are relevant and consistent with the Board's statutorily mandated duties to protect water quality, and the State Water Resources Control Board and Colorado River Basin Water Board policies, the Board has taken them into consideration in the tentative Cleanup and Abatement Order that is the subject of this Public Notice.

The Board has drafted for public comment a proposed Cleanup and Abatement Order that provides two directive alternatives to address water quality and nuisance concerns: (1) one set of directives is applicable if the Discharger's Facility remains in operation for the foreseeable future; and (2) the other set of directives is applicable if the Discharger closes the Facility. Both sets of directives include a time schedule for implementation whose first task would be due on September 20, 2014 (i.e., six months after the date proposed for adoption of this Order), to provide stakeholders time to continue discussions and negotiations with NBC.

Accordingly, pursuant to California Water Code Sections 13267 and 13304, tentative Cleanup and Abatement Order R7-2014-0033 is proposed to be issued by the Colorado River Basin Water Board to order the Discharger to prepare technical reports, and to clean up and abate potential impacts to groundwater caused by the discharges from the three ponds.

A public hearing on this matter will be held as follows:

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| Date: | March 20, 2014 |
| Time: | 10:00 a.m. |
| Location: | Brawley City Council Chambers City of Brawley 383 Main Street Brawley, CA 92227 |

Interested persons are invited to attend and express their views orally on this matter at the public hearing. The Colorado River Basin Water Board requests that those persons wishing to speak at the hearing provide a copy of their oral comments in writing before or during the hearing to assure accuracy of the record.

Persons wishing to file written comments on, or objections to, the tentative Cleanup and Abatement Order are requested to do so as soon as possible, but no later than March 14, 2014, so that they may be given sufficient consideration. Comments should be mailed to the attention of Jose Angel, Assistant Executive Officer, at the address shown below or faxed to the office at (760) 341-6820.

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

Affected stakeholders and other interested persons are invited to attend and express their views on this matter at the public hearing. Those who wish to speak at the hearing will be asked to fill out a speaker request card and provide it to Colorado River Basin Water Board staff. In order to have adequate time for the presentation by Board staff, however, comments from the public will be limited to three (3) minutes per person. If the presentation may take longer, please let Board staff know before speaking so that the presentation can be appropriately scheduled at the hearing. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive. To ensure accuracy of the record, the Board requests that any speakers who have prepared written statements for oral presentation at the hearing submit those statements to Board staff before or during the hearing.

Copies of tentative Cleanup and Abatement Order R7-2014-0033 are available on the Regional Board's website at:

http://www.waterboards.ca.gov/coloradoriver/board_decisions/

Interested persons requiring a hard copy of the tentative Cleanup and Abatement Order should contact Hilda Vasquez at (760) 346-7491 or via e-mail at: hvasquez@waterboards.ca.gov.

If you are disabled and require 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.

Please bring the foregoing to the attention of anyone you believe may be interested in this matter.