

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

73-720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260
Phone: (760) 346-7491 • Fax: (760) 341-6820
<http://www.waterboards.ca.gov/coloradoriver>

**SPECIAL BOARD ORDER R7-2014-0009
AMENDING WASTE DISCHARGE REQUIREMENTS ORDER R7-2010-0022
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
(NPDES) NO. CA0104523
FOR
CITY OF BRAWLEY WASTEWATER TREATMENT PLANT
CITY OF BRAWLEY – IMPERIAL COUNTY**

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board), finds:

A. Background

1. On May 20, 2010, the Regional Water Board adopted Board Order R7-2010-0022, NPDES Permit No. CA104523, prescribing Waste Discharge Requirements for the city of Brawley (Discharger) for the discharge of 5.9 million gallons per day (MGD) of secondary treated wastewater for city of Brawley Wastewater Treatment Plant (WWTP or Facility), to the New River, a water of the United States. Board Order R7-2010-0022 will expire on May 19, 2015.
2. Among other requirements, Cease and Desist Order R7-2008-0008, adopted on March 19, 2008, required the Discharger to prepare and submit a Pretreatment Program for approval.
3. Board Order R7-2010-0022 requires the Discharger to seek formal approval of its Pretreatment Program from the Colorado River Basin Water Board in the event a Pretreatment Program is developed.
4. On December 23, 2013, the Discharger re-submitted a formal pretreatment program for review, approval and amendment of the NPDES permit (the Submission).
5. On March 20, 2014, the Colorado River Basin Water Board adopted Resolution R7-2014-0020 approving the Submission in a duly-notice public meeting held in the city of Brawley.
6. Pursuant to California Water Code (CWC) Sections 13263(e) and 13381, and Title 40 Code of Federal Regulations (40 CFR) sections 122.41(f), 122.62, and 124.5, modification, rescission and reissuance, or notification of planned changes or anticipated noncompliance does not stay any Board Order condition or requirement. The Clean Water Act (CWA) requires the NPDES-approved State regulatory authority to modify, or to terminate and reissue, the NPDES permit if a Discharger must implement a pretreatment program. Public notice and a comment period are mandatory for these actions.

7. Accordingly, this Special Board Order amends Board Order R7-2010-0022 to incorporate the pretreatment program requirements, including monitoring requirements and related provisions, set forth in the Submission approved by the Colorado River Basin Water Board on March 20, 2014, pursuant to Resolution R7-2014-0020.
8. Pursuant to 40 CFR 124.10(b) and CWC Section 13167.5, public notice of this draft Special Board Order must be provided to allow at least thirty (30) days for the public to comment on it, and public notice of a public hearing must also be given at least 30 days before the hearing. The two notices may be combined. These public participation requirements provide stakeholders potentially affected by this action with an opportunity to object to or comment on the proposed Special Board Order.
9. Pursuant to 40 CFR 124.10(b) and CWC Section 13167.5, on March 26, 2014, the Regional Water Board published Public Notice No. 7-14-12 for this proposed Special Board Order.

B. Facility Description. The Discharger owns and operates a municipal wastewater treatment plant. The total design capacity of the wastewater treatment plant is 5.9 MGD. The WWTP provides secondary treatment through a new activated sludge extended aeration system. The treatment system is comprised of a headworks system including mechanical and manual bar screens, three Biolac® activated sludge treatment units equipped with diffusers, three secondary clarifiers, an activated sludge pumping station, and modifying the UV disinfection structure. Wastewater is discharged from Discharge Point 001 to the New River, a water of the United States.

Sludge processing consists of a centrifuge sludge dewatering unit and a solar greenhouse sludge drying structure. Two of the inactive primary clarifiers from the old treatment system have been incorporated into the sludge treatment system, one has been modified as a sludge thickening unit and the other into a sludge holding tank.

C. California Environmental Quality Act (CEQA). This action to amend an NPDES permit is exempt from the provisions of Chapter 3 of CEQA (commencing with Section 21100) of Division 13 of the California Public Resources Code in accordance with Section 13389 of the CWC.

D. Notification of Interested Parties. The Colorado River Basin Water Board has notified the Discharger and interested agencies and persons of its intent to adopt the Special Board Order that will amend Board Order R7-2010-0022 by incorporating the approved pretreatment program as Waste Discharge Requirements and has provided them with an opportunity to submit their written comments and recommendations (see Attachment A of this Order for full details on Public Participation).

E. Consideration of Public Comment. The Colorado River Basin Water Board, in a public hearing, heard and considered all comments pertaining to the proposed Special Board Order.

IT IS HEREBY ORDERED, that Board Order R7-2010-0022 is amended in the manner specified below upon the effective date of this Special Board Order, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the

Discharger shall comply with the requirements in this Special Board Order as well as those portions of Board Order R7-2010-0022 that were not amended by this Special Board Order:

1. Page 26, **VI.C.5.b.Pretreatment**. Replace the entire section with the following:

- i. The Discharger shall be responsible and liable for the performance of all Control Authority pretreatment requirements contained in 40 CFR Part 403, including any subsequent regulatory revisions to 40 CFR Part 403. Where 40 CFR Part 403 or subsequent revisions place mandatory actions upon the Discharger as Control Authority but does not specify a timetable for completion of the actions, the Discharger shall complete the required actions within six months from the issuance date of this permit or the effective date of the Part 403 revisions, whichever comes later.
- ii. The Discharger shall implement its approved pretreatment program and the program shall be an enforceable condition of this Order. For violations of pretreatment requirements, the Discharger shall be subject to enforcement actions, penalties, fines and other remedies by the Colorado River Basin Water Board and the USEPA or other appropriate parties, as provided in the CWA.
- iii. The Discharger shall enforce the Pretreatment Standards promulgated under sections 307(b), 307(c), 307(d) and 402(b) of the CWA with timely, appropriate, and effective enforcement actions. The Discharger shall require all nondomestic users subject to federal categorical standards to achieve compliance no later than the date specified in those requirements or, in the case of a new nondomestic user, upon commencement of the discharge.
- iv. The Discharger shall perform the pretreatment functions required by 40 CFR Part 403 including, but not limited to:
 - (a) Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1);
 - (b) Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;
 - (c) Implement the programmatic functions as provided under 40 CFR 403.8(f)(2);
 - (d) Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3); and
 - (e) Publish a list of significant non-compliance as required by 40 CFR 403.8(f)(2)(vii).
- v. The discharger shall implement, as more completely set forth in 40 CFR 403.5, the necessary legal authorities, programs, and controls to ensure that the following incompatible wastes are not introduced to the treatment system, where incompatible wastes are:
 - (a) Wastes which create fire or explosion hazard in the treatment works;
 - (b) Wastes which will cause corrosive structural damage to treatment works, but in no case wastes with a pH lower than 5.0, unless the works is specifically designed to accommodate such wastes;

- (c) Solid or viscous wastes in amounts which cause obstruction to flow in sewers, or which cause other interference with proper operation or treatment works;
 - (d) Any waste, including oxygen demanding pollutants (BOD, etc.), released in such volume or strength as to cause inhibition or disruption in the treatment works, and subsequent treatment process upset and loss of treatment efficiency;
 - (e) Heat in amounts that inhibit or disrupt biological activity in the treatment works, or that raise influent temperatures above 40 degrees Celsius (104 degrees Fahrenheit), unless the Colorado River Basin Water Board approves alternate temperature limits;
 - (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 - (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment works in a quantity that may cause acute worker health and safety problems; and
 - (h) Any trucked or hauled pollutant, except at points pre-designated by the Discharger.
- vi.** The Discharger shall implement, as more completely set forth in 40 CFR 403.5, the legal authorities, programs, and controls necessary to ensure that indirect discharges do not introduce pollutants into the sewerage system that, either alone or in conjunction with a discharge or discharges from other sources:
- (a) Flow through the system to the receiving water in quantities or concentrations that cause a violation of this Order, or
 - (b) Inhibit or disrupt treatment processes, treatment system operations, or sludge processes, use, or disposal and either cause a violation of this Order or prevent sludge use or disposal in accordance with this Order.
- vii.** The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement.
- viii.** The Discharger shall require each user not in compliance with any pretreatment standard to submit periodic notice (over intervals not to exceed nine months) of progress toward compliance with applicable toxic and pretreatment standards developed pursuant to the CWA or amendments thereto. In addition, the user shall submit these periodic notices within 14 days of each interim date in the compliance schedule (40 CFR 403.12(c)). The Discharger shall forward a copy of such notice to the Colorado River Basin Water Board and to the USEPA Region 9.

- 2. Page 28, VI.C.7.a. Table 9 Compliance Schedule.** Replace the Pretreatment Reports activity section with the following:

Pretreatment Reports	The Discharger shall provide the Colorado River Basin Water Board with an annual report describing the pretreatment program activities from July 1 through June 30 of each fiscal year. See section IX.C.1 of Attachment E for report description. The first Annual Pretreatment Report shall be for Fiscal Year 2014-15 due September 30, 2015.	Annual updates submitted by September 30
----------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------

3. Page E-15, **IX.C. Pretreatment Monitoring**. Replace heading and section with the following:

C. Pretreatment Monitoring and Reporting

1. The Discharger shall submit annually a report by September 30 to the Colorado River Basin Water Board, the State Water Resources Control Board and USEPA Region 9 describing the pretreatment activities within the service area during the previous fiscal year of July 1 through June 30¹. In the event that the Discharger is not in compliance with any conditions or requirements of this Order, including noncompliance with pretreatment audit/compliance inspection requirements, then the Discharger shall also include the reasons for the noncompliance and state how and when the Discharger shall comply with such conditions and requirements. The report shall contain, but not be limited to, the following information:
 - a. A summary of analytical results from representative, flow-proportioned, 24-hour composite sampling of the POTW's influent and effluent wastewaters for those pollutants which are known or suspected to be discharged by industrial users (IUs) as identified by EPA under Section 307(a) of the CWA. The summary will include the result of annual full priority pollutant scan². The Discharger shall also provide any influent or effluent monitoring data for non-priority pollutants which the Discharger believes may be causing or contributing to Interference, Pass Through or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.
 - b. A discussion of any Upset, Interference, or Pass-Through incidents at the treatment plant (if any), which the Discharger knows or suspects were caused by nondomestic users of the POTW system. The discussion shall include the following:
 - 1) The reasons why the incidents occurred, the corrective actions taken, and if known, the name and address of the IU(s) responsible.
 - 2) A review of the applicable pollutant limitations to determine whether any additional limitations, or changes to existing requirements, may be necessary to prevent pass through, interference or noncompliance with sludge disposal requirements.
 - c. A complete and updated list of the Discharger's significant industrial users (SIUs), including names, Standard Industrial Classification (SIC) code(s) and addresses, and a list of any SIU deletions and/or additions. The Discharger shall provide a brief explanation for each deletion. The SIU list shall identify the SIUs subject to Federal Categorical Standards by specifying which set(s) of standards are applicable to each

¹ The first annual report is due on September 30, 2015 for Fiscal Year 2014-15.

² The Discharger is not required to sample and analyze for asbestos.

SIU. The list shall also include which SIUs are subject to local limitations more stringent than Federal Categorical Standards and those, which are not subject to local limits.

- d. A list or table characterizing the compliance status of each SIU, which includes the following information:
 - 1) Name of the SIU;
 - 2) Industrial category, if subject to federal categorical standards;
 - 3) The type (processes) of wastewater treatment or control processes in place;
 - 4) The number of samples taken by the POTW during the year;
 - 5) The number of samples taken by the SIU during the year;
 - 6) For an SIU subject to discharge requirements for total toxic organics, whether all required certifications were provided, if needed;
 - 7) A list of the categorical standards or local limits violated during the year, reported separately;
 - 8) Whether the facility is in Significant Noncompliance (SNC), as defined by 40 CFR 403.12(f)(2)(viii) at any time during the year; and
 - 9) A summary of enforcement or other actions taken during the year to return the SIU to compliance, including the type of action, final compliance date, and amount of fines assessed/collected (if any). Describe any proposed actions for bringing the SIU into compliance.
- e. A summary of the inspection and sampling activities conducted by the Discharger during the past year to gather information and data regarding the industrial users. The summary shall include:
 - 1) The names and addresses of the industrial users subjected to surveillance and an explanation of whether they were inspected, sampled, or both and the frequency of these activities at each user; and
 - 2) The conclusions or results from the inspection or sampling of each industrial user.
- f. A compliance summary table which includes the names and addresses of the industrial users affected by the following actions:
 - 1) SIU's which were in SNC at any time during the year;
 - 2) The total number of SIUs which are in SNC with pretreatment compliance schedules during the year;
 - 3) The total number of notices of violation and administrative orders issued against SIUs during the year;
 - 4) The total number of civil and criminal judicial actions filed against SIUs during the year;

- 5) The number of SIUs which were published as being in SNC during the year;
 - 6) The number of IUs from which penalties were collected during the year;
 - 7) Assessment of monetary penalties. For each industrial user identify the amount of the penalties.
 - 8) Restriction of flow to the POTW; and
 - 9) Disconnection from discharge to the POTW.
- g. A brief description of any programs the POTW implements to reduce pollutants from nondomestic users that are not classified as SIUs.
- h. A short description of any significant changes in operating the pretreatment program which differ from the previous year including, but not limited to changes concerning:
- 1) The program's administrative structure;
 - 2) Local industrial discharge limitations;
 - 3) Monitoring program or monitoring frequencies;
 - 4) Legal authority or enforcement policy;
 - 5) Funding mechanisms; and
 - 6) Resource requirements and/or staffing levels.
- i. A summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.
- j. A summary of activities to involve and inform the public of the program including a copy of the newspaper notice, if any, required under 40 CFR 403.8(f)(2)(viii).
- k. A description of any changes in sludge disposal methods and a discussion of any concerns not described elsewhere in the report.

Duplicate signed copies of the Annual Pretreatment Program reports shall be submitted to the Colorado River Basin Water Board, State Water Resources Control Board, and the USEPA Region 9

State Water Resources Control Board Division of Water Quality 1001 I Street or P.O. Box 100 Sacramento, CA 95812	Regional Administrator USEPA W-5 75 Hawthorne Street San Francisco, CA 94105
---------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------

4. Page F-16, **IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**. Add the following paragraph to the beginning of the section:

Effluent limitations and toxic pretreatment effluent standards established pursuant to sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the CWA and amendments thereto are applicable to the discharge.

5. Page F-39, **VI.F. Other Monitoring Requirements.** Add the following section:

3. Pretreatment Monitoring

CWA section 307(b) and 40 CFR Part 403 require POTWs to develop an acceptable industrial pretreatment program. A pretreatment program is required to prevent the introduction of pollutants, which will interfere with treatment plant operations or sludge disposal, and prevent pass through of pollutants that exceed water quality objectives, standards, or permit limitations. These monitoring and reporting requirements are established pursuant to 40 CFR Part 403 to evaluate the industrial source of constituents in the wastewater.

6. Page F-41, **VII.B.5.b. Pretreatment Program Requirements.** Replace the language in this section with the following:

The POTW design treatment capacity is 5.9 mgd and there are significant industrial users within the service area. Consequently, this Order contains requirements for the implementation of an effective pretreatment program pursuant to section 307(b) of the CWA, 40 CFR Part 35 and 403; and/or Section 2233, Title 23, California Code of Regulations.

I, Robert Perdue, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Colorado River Basin Water Quality Control Board, Colorado River Basin Region, on May 8, 2014.

Robert Perdue, Executive Officer

ARTICLE I. ATTACHMENT A – PUBLIC PARTICIPATION

The California Colorado River Basin Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) is considering the amendment of Waste Discharge Requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for City of Brawley's Wastewater Treatment Plant. As a step in the WDR adoption process, the Colorado River Basin Water Board staff has developed proposed WDRs. The Colorado River Basin Water Board encourages public participation in the WDR adoption process.

Section 1.01 A. Notification of Interested Parties

The Colorado River Basin Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was published in the following newspaper: Imperial Valley Press. In addition, copies of the proposed permit were sent to interested agencies and persons.

Section 1.02 B. Written Comments

The Colorado River Basin Water Board staff's determinations are tentative. Interested persons are invited to submit written comments concerning this proposed Special Board Order. Comments should be submitted either in person or by mail to the Executive Officer at the Colorado River Basin Water Board at the address above on the cover page of this Order.

Comments made in reference to the proposed Special Board Order should be directed to:

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

To be fully responded to by staff and considered by the Colorado River Basin Water Board, written comments should be received at the Colorado River Basin Water Board office no later than 5:00 p.m. on April 25, 2014.

Section 1.03 C. Public Hearing

The Colorado River Basin Water Board will hold a public hearing on the proposed Special Board Order during its regular Board meeting on the following date and time and at the following location:

Date: **May 8, 2014**
Time: **9:00 a.m.**
Location: **California Regional Water Quality Control Board
Colorado River Basin Region Board Room
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260**

Interested persons are invited to attend. At the public hearing, the Colorado River Basin Water Board will take testimony pertinent to the discharge and proposed Special Board Order. For accuracy of the record, however, a written copy of the proposed oral testimony to be given should be provided prior to or at the hearing.

Please be aware that dates and venues of the Colorado River Basin Water Board's public meeting and hearing may change. The latest information concerning any scheduling changes can be found at the Colorado River Basin Water Board's website: <http://www.waterboards.ca.gov/coloradoriver/>.

If you are disabled and require special accommodations to participate in this public meeting and hearing, please contact Hilda Vasquez at (760) 776-8950 no later than ten (10) days before the scheduled event.

Section 1.04 D. Waste Discharge Requirements Petitions

II. Any person aggrieved by this action of the Colorado River Basin Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and the California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

Section 1.05 E. Information and Copying

Information related to the discharge facility and this proposed amendment, including any comments received on the proposed amendment, are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Colorado River Basin Water Board by calling (760) 346-7491.

Section 1.06 F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding this proposed Special Board Order should contact the Colorado River Basin Water Board, reference this facility, and provide a name, address, and phone number.

Section 1.07 G. Additional Information

Requests for additional information or questions regarding this proposed Special Board Order should be directed to John Carmona, Senior Water Resources Control Engineer, at (760) 340-4521.