CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CEQA ADDENDUM
TO THE
MITIGATED NEGATIVE DECLARATION

FOR ISSUANCE OF WASTE DISCHARGE REQUIREMENTS
TO OWB PACKERS, LLC, FOR THE
AGRICULTURAL BENEFICIAL USE OF TREATED INDUSTRIAL WASTEWATER
BRAWLEY, IMPERIAL COUNTY

ASSESSOR PARCEL NUMBERS: 047-010-029,
047-020-015, 047-020-016,
AND 047-020-017
SCH NO.: 2016101034

APPLICANT: OWB PACKERS, LLC
57 EAST SHANK ROAD
BRAWLEY, CA 92227

STAFF CONTACTS:
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This environmental document is an Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearing House No. 2016101034) adopted by the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) on January 19, 2017 in Resolution R7-2016-0042. It addresses the potential environmental impacts of proposed revisions to the subject project, which involved the issuance of Waste Discharge Requirements (WDRs) to OWB Packers, LLC (OWBP) for the agricultural beneficial use of up to 238,000 gallons per day (gpd) of treated, industrial wastewater from OWBP's beef processing plant in Brawley on 140 acres of farmland (Project).

Since adoption of the IS/MND, changes to the previously-approved Project have been proposed. As originally approved, the Project included the construction, operation, and maintenance of a BioFiltro® wastewater treatment system and wastewater disinfection unit process for the beef plant. OWBP proposes to revise the Project by using its existing wastewater treatment facility (WWTF) to produce treated wastewater instead of building and operating the BioFiltro® system. All other aspects of the Project remain the same.

The Colorado River Basin Water Board, as lead agency under the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), has considered the proposed changes to the Project, and concludes that the changes will neither result in any new significant environmental impacts nor substantially increase the severity of previously-disclosed impacts. As such, the IS/MND continues to serve as the appropriate document addressing the environmental impacts from the Project under CEQA, and a subsequent mitigated negative declaration and/or subsequent Environmental Impact Report (EIR) need not be prepared.

California Environmental Quality Act (CEQA)

This Addendum analyzes proposed revisions to the Project as required under sections 15162 and 15164 of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). Under CEQA Guidelines section 15164, an addendum to an adopted mitigated negative declaration must be prepared if only minor technical changes or additions to the project are necessary, or if none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Under CEQA Guidelines section 15162, the lead agency must prepare a subsequent EIR or mitigated negative declaration if there are any new significant environmental effects associated with the revised project or if there is a substantial increase in the severity of previously-disclosed impacts. The proposed revisions to the Project only involve minor technical changes that do not result in any new or substantially more severe significant environmental impacts; therefore, the revised Project does not require preparation of a subsequent mitigated negative declaration or EIR.

Background

OWBP owns a beef processing plant (Facility) located in Imperial County at the address 57 Shank Road, Brawley, CA 92227. A map depicting the location of the Facility is attached hereto as **Attachment A** and incorporated herein by reference. The wastewater generated at the plant is treated by an existing, onsite industrial wastewater treatment facility (WWTF), which is also owned and operated by OWBP. The WWTF consists of primary screens, two Dissolved Air Flotation (DAF) units, an anaerobic digester (Pond 1), an intermediate DAF unit, an aerobic activated sludge pond (Pond 2), a suspended air flotation (SAF) unit, a polishing pond (Pond 3), and a belt filter press for dewatering solids. All three ponds are unlined.

The incidental, onsite discharges of wastes from the unlined ponds in the WWTF are currently regulated by WDRs Order R7-2016-0007, which was adopted by the Colorado River Basin Water Board on January 15, 2016. Under prior ownership of the Facility, Pond 1 was percolating approximately 8,000-12,000 gpd of wastewater, but is now only incidentally percolating approximately 1000-2000 gpd of wastewater.

All discharges of industrial wastewater from the WWTF—totaling approximately 300,000 gpd—are currently made into the City of Brawley's wastewater treatment

plant, a publicly owned treatment works (POTW) regulated under WDRs Order R7-2015-0004 (NPDES Permit No. CA0104523). The City of Brawley has an approved Pretreatment Program and has issued an Industrial User Permit to OWBP for the discharge up to 400,000 gpd of its effluent into the POTW.

On November 17, 2016, the Colorado River Basin Water Board, as lead agency under CEQA, approved an IS/MND for the Project. As noted above, the Project included the proposed construction, operation, and maintenance of the BioFiltro® wastewater treatment system and the discharge of up to 238,000 gpd of treated and disinfected wastewater to 140 acres of farmland. The BioFiltro® system was to utilize both physical and biological processes to provide secondary treatment, including by cultivating a rich biomass of bacteria and worms for biological filtration. OWBP then proposed using the effluent from the BioFiltro® system to grow Bermuda grass for cattle feed on approximately 10 acres at the Facility and approximately 130 acres on adjacent, existing leased farmland (collectively, the Reclamation Area). All irrigation of the Reclamation Area, which was to use either WWTF effluent or a mix of WWTF effluent and Colorado River water from Imperial Irrigation District (IID), was to take place at agronomic rates. Flows in excess of 238,000 gpd were to be discharged to the City POTW.

On January 19, 2017, the Colorado River Basin Water Board adopted WDRs Order R7-2017-0001 for the discharge of up to 238,000 gpd of treated and disinfected wastewater from the BioFiltro® treatment system to the Reclamation Area for agricultural purposes. However, OWBP has not yet built the BioFiltro treatment system nor discharged to the Reclamation Area, in part due to significant delays and expense in obtaining a construction permit for the BioFiltro® system.

Modifications to the Project Since Adoption of IS/MND

OWBP is requesting revised WDRs to reuse up to 238,000 gpd of treated and disinfected wastewater from its existing WWTF, instead of treated and disinfected wastewater from the BioFiltro® treatment system, for agricultural purposes on the Reclamation Area. There are no other changes to the originally-approved Project. OWBP still intends to disinfect the effluent leaving the WWTF with Paracetic Acid (PAA) prior to discharge to the 140 acres. The equipment for the PAA disinfection system would include two chemical feed pumps to pump 12% PAA solution for a 300-gallon tote and a 12,000-gallon reaction tank with a mixing system. OWBP still proposes to irrigate the Reclamation Area with WWTF effluent and/or IID water mixed with effluent at agronomic rates. Additionally, flows in excess of 238,000 gpd will still be discharged to the City POTW, provided the City continues to allow OWBP discharge into the POTW.

OWBP reports that due to operation and maintenance improvements implemented by OWBP to its existing WWTF, the WWTF can consistently produce effluent of the same or better quality than the effluent quality projected for the BioFiltro® system. Table 1, below, shows the WWTF effluent quality for key constituents.

Table 1.WWTF Effluent Quality for March 2017 through March 2018

Month/Year	BOD (mg/L)	TSS (mg/L)	Total Nitrogen (mg/L)	TDS (mg/L)	Oil and Grease (mg/L)	pH (--)	Dissolved Oxygen (mg/L)
Apr 2017	59.9	66.8	29.6	1330	0.0	8.1	8.72
May 2017	85.4	47.8	17.4	1390	0.0	8.17	8.25
Jun 2017	51.31	40.08	4.83	1163	3.40	8.58	7.4
Jul 2017	41.03	33.64	3.85	1136	0.0	7.74	8.3
Aug 2017	59.32	31.73	7.03	1143	1.42	8.23	8.4
Sep 2017	47.86	36.83	12.18	1265	3.62	8.22	9.6
Oct 2017	44.04	63.11	11.39	1601	1.91	8.31	8.3
Nov 2017	49.03	49.58	12.54	1250	1.83	7.9	7.58
Dec 2017	32.08	36.90	6.83	1330	1.34	6.83	9.11
Jan 2018	41.30	43.91	14.37	1396	1.92	8.08	10.03
Feb 2018	65.98	57.04	9.76	1347	1.47	7.78	9.15
Mar 2018	60.7	52.45	8.90	1482	1.60	7.56	8.43

The primary difference between the originally-approved Project and the revised Project is the method of wastewater treatment—i.e., BioFiltro® treatment system vs. the existing WWTF, which relies on anaerobic, aerated, and polishing ponds for essential wastewater treatment.

OWBP reports, however, that it does not plan to abandon the construction and operation of the BioFiltro® treatment system, but intends to make the BioFiltro® system part of its long-term wastewater management strategy at a future date.

Potential Impacts from Revised Project

The Initial Study/Mitigated Negative Declaration (IS/MND 2016) for the original Project identified potential impacts on air quality, biological resources, and hydrology and water quality. The impacts were reduced to a less-than-significant level by the implementation of mitigation measures. Table 2, below, compares: (1) the key activities of the originally-approved Project that have the potential to have environmental impacts to (2) the key activities of the revised Project that have the potential to have environmental impacts. As the table shows, except for construction of the BioFiltro® treatment system, the potential impacts of the revised Project are the same as the impacts of the original Project, because the only revision to the Project is the proposed method of wastewater treatment. For CEQA purposes, the revision is a relatively minor technical change to the original Project, and therefore, the revised Project does not require a subsequent EIR or mitigated negative declaration. The following sections discuss the impacts and mitigation measures for the revised Project.

Table 2. Potential Impacts and Mitigation for Approved Project vs. Revised Project

Original Project			Revised Project		
Key activity	Potential Impacts	Mitigation Measures	Key activity	Potential Impacts	Mitigation Measures
Construction of BioFiltro®	Biological Resources: Land disturbances during construction of Biolfiltro®	MM-BIO-1 (IS/MND p. 26)	Not applicable: the WWTF is already built	None	None
Wastewater treatment using BioFiltro®	Air quality: Potential source of objectionable odors	MM-AIR-1, MM-AIR-2, MM-AIR-3, MM-AIR-4, MM-AIR-5 (IS/MND p. 26)	Wastewater treatment using existing WWTF	Air quality: Potential source of objectionable odors	MM-AIR-1, MM-AIR-2, MM-AIR-3, MM-AIR-4, MM-AIR-5
Storage of Wastewater in Ponds	Air quality: Potential source of	MM-AIR-1, MM-AIR-3, MM-AIR-	Storage of Wastewater in Ponds	Air quality: Potential source of	MM-AIR-1, MM-AIR-3, MM-AIR-

	objectionable odors	4, MM-AIR-5 (IS/MND p. 26)		objectionable odors	4, MM-AIR-5
Preparation of 10-acre site	Biological resources: Land disturbance during preparation of 10-acre site	MM-BIO-1 (IS/MND p. 26)	Preparation of 10-acre site	Biological resources: Land disturbance during preparation of 10-acre site	MM-BIO-1
Installation of Effluent Irrigation/piping System for 10-acre and 130-acre sites	Biological resources: Land disturbance during installation	MM-BIO-1 (IS/MND p. 30)	Installation of Effluent Irrigation/piping System for 10-acre and 130-acre sites	Biological resources: Land disturbance during installation	MM-BIO-1
Discharge of BioFiltro® Effluent to 140 acres	Air quality: Potential source of objectionable odors	MM-AIR-2, MM-AIR-3, MM-AIR4, MM-AIR-5 (IS/MND p. 26)	Discharge of Existing WWTF Effluent to 140 acres	Air quality: Potential source of objectionable odors	MM-AIR-2, MM-AIR-3, MM-AIR4, MM-AIR-5
	Water Quality: Potential surface and groundwater quality degradation	MM-HYD-1, MM-HYD-2, MM-HYD-3, MM-HYD-4, MM-HYD-5 (IS/MND p. 46-47)		Water Quality: Potential surface and groundwater quality degradation	MM-HYD-1, MM-HYD-2, MM-HYD-3, MM-HYD-4, MM-HYD-5
Issuance of WDRs	Air Quality, Biological Resources,	All of the above	Issuance of WDRs	Air Quality, Biological Resources,	All of the above

	Water Quality			Water Quality	

Air Quality

The IS/MND identified potentially significant environmental impacts relating to air quality, particularly because wastewater treatment systems, storage ponds, and the use of treated wastewater on reclamation areas have the potential to emit nuisance odors if not properly operated and maintained. (IS/MND 2016, p. 22.) Under the revised Project, OWBP would also continue to use its WWTF (i.e., ponds) for wastewater treatment and the treated effluent for irrigation of the Reclamation Area. Because the activities of the revised Project that could have air quality impacts are the same as the activities of the approved Project that could have air quality impacts, the mitigation measures of the approved Project are the same for the revised Project:

- **MM-AIR-1:** Prescribe minimum dissolved oxygen requirements for the upper layer of the storage ponds to ensure the treated wastewater in them remains aerobic and is not a source of nuisance odors;
- **MM-AIR-2:** Prescribe hydraulic and organic loading rates (i.e., inches of water and pounds of BOD/acre) for the reclamation areas to ensure the reclamation areas are not hydraulically and organically overloaded and ensure that reclamation takes place at agronomic rates;
- **MM-AIR-3:** Prescribe that the treatment, storage, and disposal facilities be at all times properly operated and maintained and be supervised by a Wastewater Treatment Operator with experience in the operation and maintenance of industrial wastewater treatment facilities and certified by the State Water Board;
- **MM-AIR-4:** Prescribe that neither the treatment, storage, nor the disposal of wastewater from the Facility create a condition of nuisance as defined by the California Water Code;
- **MM-AIR-5:** Prescribe a monitoring and reporting program for the treatment, storage, and disposal of the wastewater, including monitoring dissolved oxygen in the ponds and the application rates in the disposal area.

By implementing the same mitigation measures MM-AIR-1, -2, -3, -4, and -5 for the revised Project, objectionable odors would be minimized and any potentially significant impact would be contained and reduced to a less-than-significant level. There are not any new, significant air quality impacts associated with the revised Project, nor is there a substantial increase in the severity of any previously-disclosed impacts.

Biological Resources

The IS/MND also identified potentially significant environmental impacts relating to biological resources, particularly due to preparation of the Facility site for construction of the BioFiltro® system (e.g., grading) and of the 10-acre reclamation site for agricultural cultivation. Additionally, the IS/MND found the installation of an effluent irrigation/piping system for the 10- and 130-acre reclamation sites could disturb land that may be used by migratory birds for nesting or by burrowing owls, depending on the season ground disturbing activities take place in. Consequently, the IS/MND adopted mitigation measure MM-BIO-1. The revised Project does not include preparation of the Facility site for the BioFiltro® system, but does still involve preparation of the 10-acre site and the installation of effluent irrigation/piping system for the 10- and 130-acre reclamation sites to use effluent from the WWTF. Accordingly, MM-BIO-1 still applies to the revised Project:

- **MM-BIO-1**: Conduct pre-disturbance assessment for active nests and burrows of the proposed 10-acre and 130-acre sites and the McNeal Drain prior to construction activities and consult with the California Department of Fish and Wildlife should the assessment identify any active bird nests and Owl burrows.

By implementing the same mitigation measure MM-BIO-1, land disturbance activities associated with the preparation of the 10-acre site and the installation of the piping/effluent distribution system would minimize biological impacts to a less-than-significant level. There are not any new, significant biological resource impacts associated with the revised Project, nor is there a substantial increase in the severity of any previously-disclosed impacts.

Hydrology and Water Quality

The IS/MND also identified potentially significant environmental impacts relating to hydrology and water quality. The main potentially significant impact for both the original and the revised Project is the discharge of treated effluent to the Reclamation Area. Although the original Project analyzed the projected water quality of the treated effluent from the BioFiltro® system, the existing WWTF is consistently producing effluent of the same or better quality.

Constituents of concern found in the proposed discharge to the ponds and the 10-acre and 130-acre parcels that threaten groundwater quality include BOD, total nitrogen, ammonia, oil and grease, and pathogen-indicator bacteria. (IS/MND 2016, pg. 47.) The original Project would treat the wastewater physically and biologically, followed by disinfection as needed. The revised Project does not rely on the biological and physical treatment that the BioFiltro® system would provide, but still adds a

disinfection system. Table 2, below, shows the projected quality of discharge of reclaimed water to land for the original Project using the BioFiltro® system compared to the WWTF's effluent quality (using an average of March 2017-March 2018 water quality data).

Table 1. Water Quality of Original vs Revision Project

Constituent	Original Project [a] (Use of BioFiltro® System)	Revised Project [b] (Use of Existing Wastewater Ponds)
BOD^5	< 100 mg/L	65.2 mg/L
TSS	< 100 mg/L	47.0 mg/L
TDS	~2,100 mg/L	1307 mg/L
Total Nitrogen	50 mg/L	15.5 mg/L
pH	6.0-9.0	7.95
Oil & Grease	< 50 mg/L	1.42 mg/L

a. Projected Data from IS/MND 2016 (pg.10)
b. Average of March 2017 through March 2018 data

Given that the effluent water quality from the revised Project would be better than the projected quality for the proposed original Project, the impacts to water quality from the revised Project would, at the worst, remain the same as the original Project. Consequently, the same mitigation measures apply to the revised Project:

- **MM-HYD-1**: Prescribe hydraulic and organic loading rates (i.e., inches of water, pounds of BOD/acre, effluent limitations and discharge specifications) for the reclamation areas to ensure the reclamation areas are not hydraulically and organically overloaded and ensure that reclamation takes place at agronomic rates;
- **MM-HYD-2**: Prescribe application rates that do not permit reclaimed water to be applied to fields in a manner that causes wastewater to stand for greater than 48 hours.
- **MM-HYD-3:** Prescribe a prohibition of discharge to reclamation areas during precipitation events and in excess of agronomic rates.
- **MM-HYD-4:** Prescribe that OWB prepare and submit to the Regional Water Board for approval a proposed Wastewater Reclamation Plan to assure irrigation of the reclamation areas take place at agronomic rates in a manner that prevents nuisance conditions at the reclamation areas;
- **MM-HYD-5:** Prescribe a comprehensive Monitoring and Reporting Program in the WDRs that will monitor the Constituents of Concern in the treated wastewater stored in the onsite ponds, the reclaimed water used for irrigation of agricultural land and the tilewater discharged to the drain.

Implementation of the same mitigation measures MM-HYD-1, -2, -3, -4, and -5 reduce the potential impacts from the revised Project to less-than-significant levels. There are not any new, significant water quality or hydrological impacts associated with the revised Project, nor is there a substantial increase in the severity of any previously-disclosed impacts.

Conclusion

The analyses and findings in IS/MND adopted for the original Project remain valid for the revised Project. The Colorado River Basin Water Board has analyzed the potentially significant environmental impacts from the revised Project and concludes that the revised Project would not have any new significant effects on the environment or substantially increase the severity of any previously-disclosed impacts. The key activities of the revised Project with potential for significant environmental impacts (treating, storing, and using effluent from the existing WWTF for irrigation of the 140 acres) are the same as the key activities of the original Project with potential for environmental impacts (treating, storing, and using effluent from the BioFiltro® system for irrigation of the 140 acres) because the only revision to the Project is the proposed method of wastewater treatment. This revision is a relatively minor technical change to the original Project, and the mitigation measures adopted for the original Project still apply to the revised Project.

Based on the foregoing, the Colorado River Basin Water Board finds that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the revised Project. Because the revised Project meets the conditions for the application of CEQA Guidelines section 15164, preparation of a subsequent mitigated negative declaration or EIR is not required.

Attachments
Attachment A—Facility Location

ATTACHMENT A—FACILITY LOCATION
OWB PACKERS, LLC
57 EAST SHANK ROAD, BRAWLEY, CA 92227