

**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>

**SPECIAL BOARD ORDER NO. R7-2008-0069
AMENDING CEASE AND DESIST ORDER NO. R7-2008-0008
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT NO. CA0104523 FOR THE
CITY OF BRAWLEY WASTEWATER TREATMENT PLANT
IMPERIAL COUNTY**

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

1. The City of Brawley (hereinafter Discharger) owns and operates a wastewater collection, treatment and disposal system (hereinafter referred to as WWTP or facility) and provides sewerage service to the City of Brawley. The WWTP has a treatment capacity of 5.9 million gallons per day (MGD) and is located in the SW1/4 of Section 15, T13S, R14E, SBB&M.
2. On June 29, 2005, the Regional Water Board adopted Board Order No. R7-2005-0021, NPDES Permit No. CA0104523, prescribing Waste Discharge Requirements for the Discharger's WWTP for the discharge of 5.9 million gallons per day (MGD) of effluent equivalent to secondary treated wastewater to the New River, a water of the United States. The New River conveys the effluent to the Salton Sea. Board Order No. R7-2005-0021 will expire on June 29, 2010.
3. Among other requirements, Board Order No. R7-2005-0021, Section IV.A.1.a prescribes Final Effluent Limitations for Discharge Point 001 for Total Ammonia as Nitrogen, which became effective on February 1, 2007. Although an Ammonia Removal Enhancement Project, which was implemented to upgrade the existing WWTP to meet this new effluent limitation, was timely completed, the new WWTP design was ineffective in meeting this limitation. The Discharger has since contracted with another engineering consultant to design and construct additional improvements to the WWTP to bring the ammonia discharges into compliance with Board Orders.
4. On March 19, 2008, the Regional Water Board adopted Cease and Desist Order (CDO) No. R7-2008-0008 (Attachment A) to address violations of Board Order No. R7-2005-0021. Pursuant to California Water Code (CWC) Section 13385(j)(3), paragraph 5 of the CDO exempts the Discharger from Mandatory Minimum Penalties (MMPs) for violations of the new effluent limitation for Total Ammonia as Nitrogen if the Discharger is in compliance with the CDO. Accordingly, the exemption from MMPs for violations of the Final Effluent Limitation for Total Ammonia as Nitrogen became effective on the date the CDO was adopted. The exemption remains in effect until December 31, 2010, the date when the WWTP improvements must be completed and full compliance with Board Order No. R7-2005-0021 must be achieved, as specified in Paragraph 2 of the CDO.

5. CWC Section 13385(j)(3)(C) specifies the additional MMPs exemption requirement that a regional board must establish a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation. Moreover, the time schedule, with one exception not applicable here, may not exceed five years in length. In addition, if the time schedule exceeds one year from the effective date of the order, the schedule must include interim requirements and the dates for their achievement. The interim requirements must include: (i) effluent limitations for the pollutant(s) of concern; and (ii) actions and milestones leading to compliance with the effluent limitations. Paragraph 2 of the CDO specifies the required actions and milestones, and a completion date of December 31, 2010, by which time the Discharger must achieve compliance with the ammonia effluent limitations. Because the completion date exceeds one year from the effective date of the CDO (March 19, 2008), it is also necessary to specify interim effluent limitations for Total Ammonia as Nitrogen. Accordingly, this Special Board Order revises CDO No. R7-2008-0008 to add interim effluent limits for Total Ammonia as Nitrogen.
6. The interim effluent limits specified in this Special Board Order for Total Ammonia as Nitrogen are established at a level to ensure timely compliance by December 31, 2010, with the final effluent limitation.
7. CDO No. R7-2008-0008 may be modified, rescinded and reissued, for cause. The filing of a request by the Discharger for a Board Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include, but are not limited to, the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Water Board or the Regional Water Board, including revisions to the Basin Plan.
8. Pursuant to 40 CFR 124.10(b), a thirty (30) day public notice and comment period of this Special Board Order is required prior to its becoming final. These public participation requirements are necessary to provide stakeholders potentially affected by this action with an opportunity to object to or comment on this Special Board Order.
9. Pursuant to 40 CFR 124.10(b) and CWC Section 13167.5, the Regional Water Board published Public Notice No. 7-08-43 for this Special Board Order on October 17, 2008.
10. Issuance of this Special Board Order amending CDO No. R7-2008-0008 to enforce CWC, Division 7, Chapter 5.5 is exempt from the provisions of CEQA (Pub. Resources Code, § 21000 et seq.), in accordance with Section 15321 ("Enforcement Actions by Regulatory Agencies") Title 14, California Code of Regulations. In addition, issuance of this Special Board Order imposing an interim effluent limitation for a Discharger regulated by an NPDES permit is also exempt from the provisions of CEQA pursuant to California Water Code section 13389 and Section 15061(b)(3) (no possibility of a significant effect on the environment) of Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, that Cease and Desist Order No. R7-2008-0008 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 with those portions of CDO No. R7-2008-0008 that were not amended by this Special Board Order:

1. Page 12, Add Paragraph 4.1 **Interim Effluent Limitations** as follows:

Wastewater discharged to the New River shall not exceed the interim effluent limitations for Total Ammonia as Nitrogen specified in the table below. The interim effluent limitations are based on plant performance data, reference data from representative wastewater treatment facilities, and Best Professional Judgment (BPJ).

Constituents	Units	Interim Effluent Limitations	
		Average Monthly	Maximum Daily
Total Ammonia as Nitrogen	mg/L	120	120
	lbs/day ¹	5900	5900

I, Robert E. Perdue, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on November 19, 2008.



 ROBERT E. PERDUE, Executive Officer

¹ Based on a flow of 5.9 MGD