

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

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**SPECIAL BOARD ORDER NO. R7-2010-0003
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
City of Brawley — 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 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.

Special Board Order No. R7-2010-0003
Amending Cease and Desist Order No. R7-2008-0008
City Of Brawley Wastewater Treatment Plant

5. 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.
6. On November 19, 2008, the Board adopted Special Board Order No. R7-2008-0069. This Special Board Order revised CDO No. R7-2008-0008 to add interim effluent limits for Total Ammonia as Nitrogen.
7. On November 18, 2009, the Discharger in a letter to the Assistant Executive Officer (AEO) requested that the schedule for the completion date to be extended until June 30, 2012. The primary reason for the delay has been in securing affordable financing for the project through the State Revolving Fund (SRF) Office and the federal American Recovery and Reinvestment Act (ARRA) funding for shovel-ready projects. This required a new wastewater rate study, conducting public participation, notification under Proposition 218, and taking action for adoption of the new rates by the Brawley City Council. Accordingly, this Special Board Order revises CDO No. R7-2008-0008 to extend the milestone deadlines specified on pages 10-11, Ordered Paragraph No. 2 for Milestones 1.C, 1.D, and 1.E, as specified below in this Special Board Order. These milestones pertain to completion of construction and operational start-up of the new wastewater treatment plant upgrades and to achieving full compliance with Board Order No. R7-2005-0021. Water Code Section 13385(j)(3)(C) provides that a time schedule specified in a CDO may not exceed five (5) years in length for bringing a waste discharge into compliance with an effluent limitation. Since Board Order No. R7-2008-0008 was adopted on March 19, 2008, the latest revised milestone specified below of June 30, 2012, complies with this statutory requirement.
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. 7-10-02 for this Special Board Order on December 24, 2009.
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, which modifies the Discharger's existing NPDES permit, is also exempt from the provisions of CEQA pursuant to California Water Code section 13389 and California Code of Regulations, Title 14, Section 15061(b)(3) (no possibility of a significant effect on the environment).

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:

Page 10, Ordered Paragraph No. 2: WWTP Improvements/Upgrades. **Modify Completion dates of Milestones 1C, 1D, and 1E** as follows:

WWTP Improvements/Upgrades — The Discharger shall complete the proposed WWTP improvements and upgrades to achieve consistent compliance with Board Order No. R7-2005-0021 and shall submit the required design plans and specifications and long-term revenue plan for operation and maintenance of proposed upgrades, and documentation to the Regional Board, by the designated completion dates specified below:

WWTP UPGRADES			
MILESTONE	MILESTONE DESCRIPTION	MILESTONE SUBMITTAL	COMPLETION DATE
1.A	Complete Preliminary Design	Submit a Copy of the Design Plans and specification	November 15, 2008
1.B	Complete Design of the Wastewater Treatment Plant Upgrades	Submit a Copy of Final Design Drawings and Specification	December 15, 2008
1.C	Complete Construction of the Wastewater Treatment Plant Upgrades	This needs to be a certification statement Submit Summary and Verification of Construction Completion	December 31, 2011
1.D	Complete Operational Startup of New Wastewater Treatment Plant Upgrades	Submit Plan consisting of Operation and Maintenance Program for Wastewater Treatment Plant Upgrades	June 30, 2012
1.E	Achieve full compliance with Order No. R7-2005-0021 (NPDES Permit No. CA0104523)	Submit written certification that WWTP is in compliance with Order No. R7-2005-0021 (NPDES Permit No. CA0104523)	June 30, 2012

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 January 21, 2010.


 ROBERT E. PERDUE, Executive Officer