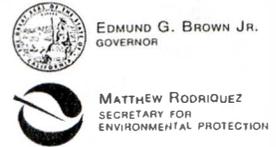


California Regional Water Quality Control Board, Colorado River Basin  
Prosecution Team Evidence  
on the matter of  
Administrative Civil Liability Complaint R7-2014-0041  
Exhibit 36



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Colorado River Basin Regional Water Quality Control Board

November 27, 2012

Brian Webb, General Manager  
National Beef Company  
P.O. Box 1211  
57 East Shank Road  
Brawley, CA 92227

Dear Mr. Webb:

**SUBJECT: ADDITIONAL INFORMATION REQUIRED, NATIONAL BEEF CALIFORNIA, LP, WASTEWATER TREATMENT FACILITY, BRAWLEY, IMPERIAL COUNTY**

During our meeting of September 25, 2012, the California Regional Water Quality Control Board (Regional Water Board) requested an addendum to the Report of Waste Discharge (ROWD) submitted by National Beef California, LP, dated June 28, 2011. The addendum is to address plant upgrades and further scheduled modifications to the wastewater treatment facility since the ROWD was submitted.

Pursuant to California Water Code (CWC) Section 13260, the Regional Water Board is requiring that National Beef California, LP also provide an inventory of all chemicals, including Material Safety Data Sheets (MSDS), used in the slaughterhouse facility for the production processes (i.e. detergents, biocides, etc.). In addition, please provide the use for each chemical and its (potential) pathway into the waste stream. The Regional Water Board requires this information to determine the potential for hazardous waste constituents to enter the wastewater treatment process.

In accordance with CWC Section 13261(c), "A person who discharges or proposes to discharge hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly furnishes a false report under Section 13260, or who either willfully fails to furnish a report or willfully withholds material information under Section 13260 despite actual knowledge of that requirement, may be liable in accordance with subdivision (d) and is guilty of a misdemeanor."

Pursuant to CWC Section 13261 (a), "A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b)."

Furthermore, CWC Section 13261(b)(1) states: "Civil liability may be administratively imposed by a regional board or the state board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount not exceeding one thousand dollars (\$1,000) for each day in which the violation occurs. Civil liability shall not be imposed by the regional board pursuant to this section if the state board has imposed liability against the same person for the same violation."

In addition, prior to removing the sludge in the storage pond (Pond 3) the Regional Water Board is requiring that National Beef California, LP analyze the sludge for hazardous waste characteristics, factoring in the chemicals used on-site and that may be present in the wastewater. Pursuant to CWC Section 13267, the Regional Water Board is requiring that National Beef California, LP submit a Quality Assurance Project Plan (QAPP) to obtain representative sludge samples for characterization. The analyses must be performed in accordance with California Code of Regulations, Title 22, Article 3, Section 66261.20. The QAPP must be prepared and certified by a California Registered Civil Engineer experienced in the characterization of sludge and QAPPs.

The Regional Water Board's requirement that National Beef Company submit the QAPP is made pursuant to Section 13267 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of Water Code Section 13267 requirement may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

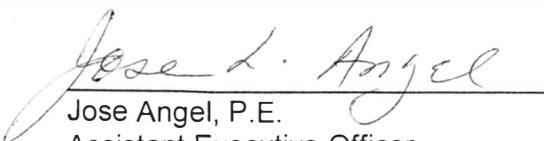
The Regional Water Board needs the required information in order to ensure the proper handling and disposal of the sludge in the pond. National Beef Company is required to submit this information because National Beef Company is the owner and operator of the beef processing plant and its associate wastewater infrastructure and based on the above-mentioned ROWD, National Beef Company is responsible for the discharge. More detailed information is available in the Water Board's public file on this matter.

Any person affected by this action of the Water Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

Please submit the addendum to the ROWD, chemical inventory (including MSDS) and QAPP for monitoring the sludge by December 21, 2012.

If you have any questions concerning this matter, please contact me at Doug Wylie at (760) 776-8960.

Sincerely,



Jose Angel, P.E.  
Assistant Executive Officer  
Colorado River Basin  
Regional Water Quality Control Board

DW/tab

cc: David Kalscheur, Vice President of Engineering, National Beef, LP, P.O Box 539, Dodge City, KS 67801

File: WDID 7A 13 5006 001, National Beef California WWTF, Working File