

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

CEASE AND DESIST ORDER NO. 84-58

**ORDER REQUIRING THE CITY OF BRAWLEY TO
CEASE AND DESIST DISCHARGING AND THREATENING TO DISCHARGE WASTES
CONTRARY TO REQUIREMENTS PRESCRIBED BY THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
COLORADO RIVER BASIN REGION**

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

1. On June 20, 1984, the Regional Board adopted Order No. 84-33 (NPDES Permit No. CA0104523), prescribing waste discharge requirements for the discharge of wastewater by the City of Brawley to the New River in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 15, T13S, R14E, SBB&M. Waste discharge requirements have previously been prescribed in Orders No. 74-33 and 79-63, which are no longer in effect.

2. Order No. 84-33 requires, in part:

A. Effluent Limitations

1. Representative samples of wastewater discharged to New River shall not contain constituents in excess of the following limits:

Constituent	Unit	30-Day Arithmetic Mean Discharge Rate	7-Day Arithmetic Mean Discharge Rate
20°C BOD ₅	lbs/day	763	1,145
	mg/l	30	45
Suspended Solids	lbs/day	763	1,145
	mg/l	30	45

2. The arithmetic mean of the values by weight for effluent samples collected for 20°C BOD₅ and for suspended solids in any 30-day period shall not be greater than 15 percent of the arithmetic mean of the values by weight for influent samples collected during the same 30-day period (85 percent removal).

3. On January 29, 1976, this Board issued Cease and Desist Order No. 76-1 against the City of Brawley. Said Order was subsequently amended as follows:

a. On January 26, 1977, the Order was revised to delete references to fecal coliform violations.

b. On May 18, 1977, Addendum No. 1 was adopted to amend the compliance time schedule.

*Recinded
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- c. On January 17, 1979, Addendum No. 2 was adopted to amend the compliance time schedule to permit the City to construct necessary treatment/disposal facilities in two phases and achieve compliance by July 1, 1983.
 - d. On November 18, 1981, Addendum No. 3 was adopted to permit Brawley to construct a more cost-effective treatment facility, yet achieve full compliance by July 1, 1983.
 - e. On March 24, 1982, Addendum No. 4 was adopted, eliminating the compliance time schedule by which Phase 2 facilities would be constructed until after promulgation of a new definition of Secondary Treatment by EPA.
4. The City of Brawley wastewater treatment facility presently consists of primary treatment and biologic treatment of the primary effluent in mechanically aerated oxidation ponds prior to discharge to New River. Self-monitoring reports submitted by the City for the period of January 1981 through December 1983 provide the following effluent quality data:

	<u>5-Day BOD</u>	<u>Suspended Solids</u>
30-day average permit limitation	30 mg/l	30 mg/l
36-month average effluent quality	26 mg/l	34 mg/l
Peak 30-day average effluent quality	38 mg/l	53 mg/l
Peak daily effluent quality	44 mg/l	62 mg/l
Number of months 30-day limit was exceeded in 36 months	6	22

While the long-term BOD concentration is less than the 30-day average limitation, the treatment system cannot consistently achieve compliance with either the BOD or suspended solids effluent limitations, due primarily to the fluctuating algae content of the oxidation ponds.

5. The definition of Secondary Treatment as contained in Section 304(d)(4) of the Federal Clean Water Act was amended by the "Municipal Wastewater Treatment Construction Grant Amendments of 1981" to include oxidation ponds. The Administrator of EPA is required to promulgate design criteria for oxidation ponds. EPA has not, as yet, promulgated final rules for oxidation pond discharges. Proposed standards were published, however, in the November 16, 1983, Federal Register, recommending oxidation pond 30-day average effluent standards of 45 mg/l for BOD and Suspended Solids. If the proposed standard was in effect, Brawley would have had no violations of the 30-day average BOD standard and four violations of the 30-day average Suspended Solids standard during the 36 months from January 1981 through December 1983.

6. The adoption of this Cease and Desist Order establishes EPA's proposed oxidation pond effluent limitations as interim effluent limitations for the City of Brawley's wastewater.
7. Analyses of the New River by the City and by the Regional Board staff immediately upstream and downstream of the Brawley discharge failed to demonstrate that any significant degradation of the river water quality is occurring as the result of the City's discharge.
8. On June 20, 1984, in the City of Rancho Mirage, the Regional Board, after due notice to the discharger and all other interested persons, conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
9. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et. seq.) in accordance with Section 15121, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED THAT:

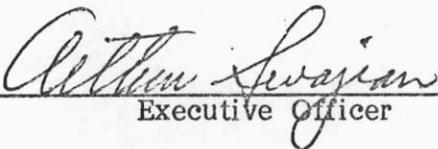
1. The City of Brawley shall fully comply with the waste discharge requirements prescribed in Order No. 84-33, excepting for the effluent limitations listed in Finding No. 2, above.
2. Representative samples of wastewater discharged to New River shall not contain constituents in excess of the following interim limits:

Constituent	Unit	30-Day Arithmetic Mean Discharge Rate	7-Day Arithmetic Mean Discharge Rate
20°C BOD ₅	lbs/day	1,145	1,653
	mg/l	45	65
Suspended Solids	lbs/day	1,145	1,653
	mg/l	45	65

3. The arithmetic mean of values by weight for effluent samples collected for 20°C BOD₅ and for suspended solids in any 30-day period shall not be greater than 35 percent of the arithmetic mean of the values by weight for influent samples collected during the same 30-day period (65 percent removal).
4. Within 90 days of the promulgation of revised secondary treatment regulations by the Administrator of EPA pursuant to Section 304 (d) (4) of the Federal Clean Water Act, or within ninety (90) days of receipt of written notice by the Executive Officer that EPA has determined not to revise the secondary treatment regulations, the City of Brawley shall submit a report to the Regional Board providing:

- a. A technical evaluation of the quality of the wastewater treatment plant effluent showing that the existing effluent quality complies with the secondary treatment regulations; or
 - b. A time schedule of specific actions whereby the City will achieve compliance with the secondary treatment regulations.
5. Cease and Desist Order No. 76-1, Cease and Desist Order No. 76-1 (Revised), and Addendums No. 1, 2, 3 and 4 to Cease and Desist Order No. 76-1 are hereby rescinded.

I, Arthur Swajian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 20, 1984.



Executive Officer