

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

073-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
(760) 346-7491

Public Notice No. 7-08-05
NPDES Permit No. CA0104523
April 4, 2008

**REVISED NOTICE OF PUBLIC HEARING CONCERNING
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT (ACLC) NO. R7-2008-0022
ISSUED TO CITY OF BRAWLEY, OWNER/OPERATOR,
MUNICIPAL WASTEWATER TREATMENT PLANT
FOR
DISCHARGES OF WASTEWATER INTO THE NEW RIVER IN VIOLATION OF
BOARD ORDERS NO. 00-087, R7-2004-0079 & NO. R7-2005-0021
NPDES PERMIT NO. CA0104523**

This revised Notice of Public Hearing supersedes the previous Notice of Public Hearing No. 7-08-03, dated February 15, 2008, regarding ACLC No. R7-2008-0012 that was originally issued against the City of Brawley (Discharger). ACLC No. R7-2008-0012 was subsequently withdrawn since it was determined that the Discharger did not meet the statutory definition of a Publicly Owned Treatment Works serving a small community, defined in California Water Code (CWC) Section 79084(b), which would have allowed the Discharger to spend an equivalent amount of the proposed Mandatory Minimum Penalties (MMPs) assessed in that ACLC towards the completion of a Compliance Project (CWC Section 13385(k)(1) & (2)). The proposed new ACLC, No. R7-2008-0022, proposed penalties in accordance with the Discharger's non-eligibility for conducting a Compliance Project.

The Discharger owns and operates a municipal wastewater treatment plant (WWTP). The WWTP provides treatment through a lagoon system. The treatment system is comprised of a headworks system, five treatment ponds, an ultraviolet light (UV) disinfection system, and sludge drying beds. The WWTP is designed to treat municipal wastewater flows of up to 5.9 million gallons-per-day (MGD).

The treated wastewater does not meet effluent discharge limits specified in the Waste Discharge Requirements (WDRs) for total ammonia. On June 30, 2004, the Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board), issued Cleanup and Abatement Order (CAO) No. R7-2004-0079. The CAO required the Discharger to complete construction or the WWTP upgrades by January 31, 2006. The construction was completed on July 7, 2006--157 days late. Failure to timely complete the construction upgrades subjects the Discharger to enforcement action including, but not limited to, assessment of administrative civil liability.

On June 29, 2005, the Regional Water Board adopted Waste Discharge Requirements, and a National Pollutant Discharge Elimination System (NPDES) Permit to regulate the discharge of treated municipal wastewater to the New River. The Permit is assigned NPDES Permit No. CA0104523, Board Order No. R7-2005-0021. The discharge of wastewater from the Brawley WWTP violated the requirements prescribed in Board Order No R7-2005-0021 for free cyanide, zinc, E. coli, and total ammonia as nitrogen.

Public Hearing
City of Brawley WWTP

The Assistant Executive Officer of the Regional Water Board has issued ACLC No. R7-2008-0022 against the Discharger, alleging that it failed to comply with CAO No. R7-2004-0079 and that it discharged wastewater that exceeded effluent limits set forth in Board Order Nos. 00-087 and R7-2005-0021.

Pursuant to CWC Sections 13323, 13327, 13350 and 13385, this Complaint proposes that the Discharger pay \$354,750 in Administrative Civil Liability (ACL) and MMPs for violations of CAO No. R7-2004-0079 and effluent limitations specified in Board Order No. R7-2005-0021. The Discharger may spend a portion of the penalty amount toward the implementation of a supplemental environmental project (SEP) that is consistent with Section IX of the Water Quality Enforcement Policy (Policy). The Policy was adopted by the State Water Resources Control Board on February 19, 2002, as Resolution No. 2002-0040, was approved by the Office of Administrative Law, and became effective on July 30, 2002.

Unless the Discharger agrees to waive its right to a public hearing on the matter, as provided by CWC Section 13323(b), the Regional Board will proceed with the public hearing as follows:

Date of hearing:	May 21, 2008
Time:	10:00 am
Location:	Indio City Council Chambers

During the public hearing, the public and any other person interested in this matter can provide the Regional Board with comments on this matter.

If the Discharger waives its right to the public hearing and pays the ACL and MMPs in full, the Regional Water Board may still decide to conduct a public hearing on this matter. The settlement of this Complaint will become final thirty (30) days from the date of this Public Notice. Persons wishing to file written comments on or objections to, the proposed ACLC or any other aspects of this matter are required to do so within thirty (30) days of the date of this Public Notice so that the Regional Water Board may consider the comments.

Comments must be mailed to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

A copy of the ACLC may be obtained from the Regional Water Board Office. Please contact Doug Wylie at (760) 346-6585 for any questions regarding this matter.

For any person who is disabled and requires special accommodations to participate in this Regional Water Board Public Hearing, please contact Hilda Vasquez at (760) 776-8950 no later than ten (10) days before the scheduled public hearing.