

**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

Public Notice No. 7-14-09
March 26, 2014
NPDES No. CA0104523

**NOTICE OF APPROVAL OF
CITY OF BRAWLEY
PRETREATMENT PROGRAM SUBMISSION
BRAWLEY- IMPERIAL COUNTY**

The Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) has approved the proposed Pretreatment Program Submission (Submission) submitted on December 23, 2013, by the city of Brawley (Discharger) pursuant to Title 40 Code of Federal Regulations (CFR) Part 403. The Submission describes the Discharger's plan for performing the pretreatment functions as required in 40 CFR Part 403. The Board's approval was provided through its adoption of Resolution R7-2014-0020.

The Submission and full text of the Resolution are available on the Board's web site at: http://www.waterboards.ca.gov/coloradoriver/board_decisions/adopted_orders/resolutions.shtml. First select "Year 2014," then Resolution R7-2014-0020. A hard copy of the Submission and Resolution can be obtained by contacting Hilda Vasquez at (760) 776-8950.

The Colorado River Basin Water Board held a 30-day public comment period, which began on January 8, 2014, and ended on February 7, 2014. Comments were received from National Beef Company (NBC) regarding the legal adequacy of the city of Brawley's Sewer Use Ordinance (Ordinance). The Ordinance was duly adopted by the city of Brawley in June 2013. In addition, by letter dated September 20, 2013, counsel for the city of Brawley, Mr. Dennis H. Morita, provided the statement required by 40 CFR section 403.9(b)(1) that the city of Brawley has adequate legal authority to implement the city of Brawley's pretreatment program. The statement includes counsel's consideration of the legal adequacy of the Ordinance. On December 31, 2013, Board staff and the USEPA contractor, TetraTech, assigned to review the adequacy of the city of Brawley's Submission, accepted the City's final draft Submission as meeting all federal pretreatment regulatory requirements. Finally, NBC raised the same legal challenges when the city of Brawley considered adoption of the Ordinance in June 2013, but did not file a petition for writ of mandate in Imperial County Superior Court when the city of Brawley adopted the Ordinance, the appropriate time and forum to appeal the city of Brawley's decision and to raise these legal challenges. Therefore, NBC's comments went beyond the scope of review appropriate for the Colorado River Basin Water Board's consideration of approval of the city of Brawley's pretreatment program.

The Executive Officer has issued a letter notifying the Discharger that the Submission is approved and that its permit will be modified as required in 40 CFR Part 403 in a separate hearing to include permit language for performing the pretreatment functions. If you have any questions regarding this matter, please contact John Carmona at (760) 340-4521.

Please bring the foregoing to the attention of anyone you believe may be interested in this matter.

File: 7A 13 0100 011, City of Brawley WWTP, Board Order No. R7-2010-0022