
Colorado River Basin Regional Water Quality Control Board

CERTIFIED MAIL No.: 7011 2970 0002 0481 9858

April 11, 2014

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

Dear Mr. Webb:

SUBJECT: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R7-2014-0041 FOR NATIONAL BEEF CALIFORNIA (NBC), LP, WASTEWATER TREATMENT FACILITY, BRAWLEY, IMPERIAL COUNTY

Enclosed for your immediate attention and action is Administrative Civil Liability Complaint (Complaint) R7-2014-0041. This Complaint is issued against NBC because: (1) NBC is a "Significant Industrial User," as defined in Title 40, Code of Federal Regulations (CFR), section 403.3(v)(1)(ii); and (2) NBC has introduced pollutants, including Ammonia, Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD), and bacteria, into the Brawley Publicly Owned Treatment Works (POTW) in alleged violation of the National Pretreatment Standards discharge prohibition set forth in 40 CFR section 403.5 by causing chronic and significant Pass Through and/or Interference with the Brawley Wastewater Treatment Plant (WWTP).

The Colorado River Basin Regional Water Quality Control Board (Board) tentatively has scheduled a Hearing to consider this matter beginning at 10 a.m., June 19, 2014, in the town of Yucca Valley Community Center—Yucca Room, 57090 Twentynine Palms Highway, Yucca Valley, CA 92284. At this Hearing, the Board will consider whether to impose administrative civil liability as proposed in the Complaint or to impose a different amount up to the maximum penalty allowed by law, reject the proposed administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

NBC may contest the proposed administrative civil liability at the Hearing or, in the alternative, may waive its right to the Hearing by signing the Waiver attached to the Complaint and pursuing one of the following options:

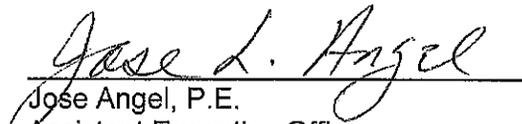
- a. Pay the proposed liability in full by submitting a check for \$ 3,750,000.00 with the signed Waiver; or,
- b. Waive the right to have the Hearing within 90 days after service of the Complaint, by the date indicated in the Complaint, to engage the Board Prosecution Team in settlement discussions. Please note that the Waiver of the right to a hearing within 90 days after service of the Complaint does not preclude the Prosecution Team from proceeding to Hearing, as set forth in the Notice of Public Hearing and Hearing Procedure.

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

The Waiver describes the process in further detail. If the Board Prosecution Team does not receive NBC's Waiver by the date indicated in the Complaint, this matter will proceed to a Hearing before the Board on June 19, 2014. Please also take notice that because a 30-day public comment period is required under federal law for any proposed settlement of administrative civil liability, any payment or settlement proposal submitted will not be effective until this public comment period has ended.

Please refer to the enclosed Notice of Public Hearing and Hearing Procedure for additional information about the Board's process, hearing procedures, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a hearing, making objections or rebuttals to evidence, etc.).

Sincerely,


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

DW/tab

Enclosures: Administrative Civil Liability Complaint R7-2014-0041
Waiver of Hearing Form
Public Notice 7-14-27 of Hearing and Hearing Procedure
Invoice R7-2014-0041

cc w/encl: Regional Board Members
Robert Perdue, Executive Officer
Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
Tom Vandenberg, Office of Chief Counsel, SWRCB, Sacramento
Anna Kathryn Benedict, Office of Enforcement, SWRCB, Sacramento
Doug Eberhardt, USEPA Region IX, WTR-5 Section Chief, San Francisco
Matthew Maclear, Cal EPA, Sacramento
Roger Vintze, DTSC CUPA, El Centro
Paul Martin, GO-Biz, Sacramento
Andy Horne, Imperial County, El Centro
Connie Valenzuela, Imperial County, El Centro
Brad Poiriez, Imperial County, El Centro
Rosanna Bayon Moore, City of Brawley, Brawley
Parthenia Evans, Stinson Leonard Street LLP, Kansas City, MO
David Kalscheur, National Beef California, Dodge City
Bud Ludwig, National Beef California, Dodge City

cc w/o encl: California Department of Health Services, Office of Drinking Water, San Diego
California Department of Water Resources, Glendale
California Department of Fish and Game, Ontario
Imperial County Department of Environmental Health, El Centro

File: WDID No. 7A 13 5006 001, National Beef Company WWTP, Working File