

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

RESOLUTION R7-2014-0058

**ADOPTING A NEGATIVE DECLARATION
AND APPROVING
NATIONAL BEEF BRAWLEY
WASTEWATER PRE-TREATMENT FACILITY CLOSURE PROJECT
IMPERIAL COUNTY**

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) finds that:

1. National Beef California, LP (National Beef) submitted a proposed work plan for closing the wastewater pre-treatment facility (WWPF) at its beef processing plant in Brawley, Imperial County, California, on June 5, 2014 (project or plan). Closure of the WWPT is being carried out as required by Cleanup and Abatement Order (CAO) R7-2014-0033, which was heard and adopted by the Colorado River Basin Water Board on March 20, 2014 in Brawley.
2. CAO Alternative 2 requires the submittal of technical reports addressing compliance with the Water Code and title 27 of the California Code of Regulations for Pond 1-3 and a site-closure plan for stormwater basins and other waste removal. Upon approval, Discharger shall implement the plan (CAO section C). The negative declaration is intended to accompany and support the decision on plan approval.
3. While section C of the CAO delegates plan approval to the Regional Water Board Executive Officer, this matter has been elevated to Regional Water Board in light of community interest and controversy surrounding the Facility. This Order does not modify the delegation to the Executive Officer in section E4 of the CAO.
4. The Colorado River Basin Water Board finds the plan to be generally acceptable; however, additional specificity may be requested, and subject to approval, by the Executive Officer as Discharger moves forward with implementation.
5. The Colorado River Basin Water Board is the lead agency for the National Beef Brawley WWPT Closure Project under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). In the CAO, the Colorado River Basin Water Board directed National Beef to hire a third party professional consultant to conduct an Initial Study in accordance with the requirements specified in Section 15063 of the "State CEQA Guidelines" (Cal. Code Regs., tit. 14, § 15000 et seq.) to evaluate whether the National Beef Brawley WWTP Closure Project could have a significant effect on the environment.
6. The Initial Study titled "National Beef Brawley Wastewater Pre-Treatment Facility Closure Project" dated September, 2014, concludes that the proposed National Beef Brawley WWPT Closure Project could not have a significant effect on the environment, and therefore, no alternatives or mitigation measures are proposed.

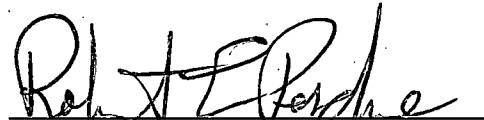
7. On October 2, 2014, the Regional Water Board provided notice of intent to adopt a negative declaration for the project. (Cal. Code Regs., tit. 14, § 15072.) On November 13, 2014, the Colorado River Basin Water Board, in a public hearing, considered all comments concerning the National Beef Brawley WWPT Closure Project and the proposed Negative Declaration.
8. The negative declaration reflects the Colorado River Basin Water Board's independent judgment and analysis. The Colorado River Basin Water Board finds, on the basis of the whole record before it, which includes the work plan for the proposed National Beef Brawley WWPT Closure Project, public comments received, Colorado River Basin Water Board staff's responses to public comments, the Initial Study, and Colorado River Basin Water Board staff's preliminary environmental impact determination, that there is no substantial evidence that the proposed National Beef Brawley WWPT Closure Project will have a significant effect on the environment.

THEREFORE, BE IT RESOLVED that the Colorado River Basin Water Board:

1. Adopts the Negative Declaration for the proposed National Beef Brawley WWPT Closure Project.
2. Generally approves the plan submitted in compliance with the CAO.
3. Directs that a copy of this Resolution be forwarded to the State Water Resources Control Board.
4. Directs that a copy of this Resolution be forwarded to all interested persons.
5. Directs the Executive Officer to file a Notice of Determination within five days from the issuance of this order.

CERTIFICATION

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on November 13, 2014.


ROBERT PERDUE
Executive Officer