



Media Release

Colorado River Basin Regional Water Quality Control Board

City of Brawley Faces \$1.7 Million Penalty for Water Code Violations

For Immediate Release:

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Palm Desert – The city of Brawley in Imperial County faces a \$1.7 million penalty from the Colorado River Basin Regional Water Quality Control Board (Regional Water Board) for several violations of effluent limitations at the city’s Municipal Wastewater Treatment Plant.

The Regional Water Board’s Assistant Executive Officer has issued an administrative civil liability complaint to the city alleging chronic violations of City’s wastewater treatment plant waste discharge requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit. The city is also in violation of a Regional Water Board cease and desist order.

“Between 2001 and 2012, the city violated every permit the Regional Board issued, as well as several Regional Board enforcement orders,” said Regional Water Board Assistant Executive Officer Jose Angel.

Many of the violations cited in the complaint are the result of inadequately pretreated industrial wastewater from a slaughterhouse owned by the beef processing company, National Beef Company, and the city’s lack of an approved Pretreatment Program to control industrial discharges into the city’s plant. The partially treated wastewater from the slaughterhouse contains high concentrations of ammonia, causing the city’s treatment plant to go out of compliance with its permit. The plant discharges its effluent into the New River, which is tributary to the Salton Sea. The New River and the Salton Sea are waters of the United States.

“The city has known since 2001 that a pretreatment program was necessary to control industrial discharges into its treatment plant,” Angel said.

In 2008, the Regional Board issued a cease and desist order which required the city to develop and implement a pretreatment program, as required by federal clean water regulations. The city has yet to implement such a program, Angel said.

In 2008, the city established a surcharge system to bill National Beef Company based on the concentrations of ammonia, biochemical oxygen demand, total suspended solids and total flow in its wastewater going to the treatment plant, which is located at 1550 Best Road in Brawley.



However, according to the Complaint, the city began applying the surcharges without establishing any approved pretreatment limits.

The Complaint also alleges that from 2008 to 2013 the city diverted \$678,000 from its wastewater fund to the city's general fund, thus deriving an economic benefit from the city's noncompliance to its permit. That matter is under continuing investigation, Angel said.

The Complaint recommends the Regional Water Board hold the city liable for \$1,734,778, which pursuant to state law and policy includes mandatory minimum penalties, recovers the economic benefit, and accounts for the state's costs for prosecuting this matter. The California Water Code allows discretion in the assessment of a portion of the penalty.

"The Complaint may come before the Regional Water Board as early as May of this year," Angel said.

The City of Brawley Administrative Civil Liability Complaint is available at:

http://www.waterboards.ca.gov/rwqcb7/water_issues/hot_topics/city_of_brawley.shtml

The Colorado River Basin Water Board is a California state agency responsible for the preservation and enhancement of water quality. For more information on the Colorado River Basin Water Board, please visit the home page at:

<http://www.waterboards.ca.gov/coloradoriver/>

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