

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2014-XXXX

RESCISSION OF CEASE AND DESIST ORDER 98-057  
AND SPECIAL ORDERS 98-218 AND 5-00-005  
FOR  
CITY OF LIVINGSTON  
DOMESTIC WASTEWATER TREATMENT FACILITY  
MERCED COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board or Board), finds that:

1. City of Livingston (Discharger) owns and operates a wastewater treatment facility (WWTF) in section 22, Township 6 South, Range 11 East, MDB&M.
2. The Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order 89-066, Cease and Desist Order (CDO) 98-057, and Special Orders 98-218 and 5-00-005 for discharges from the WWTF.
3. WDRs 89-066 prescribes requirements for a WWTF that consisted of a secondary clarifier and digester tank and allowed a monthly average dry weather flow of 1.18 million gallons per day (mgd) to evaporation/percolation ponds and an increase up to 1.8 mgd with WWTF upgrade and certification of expansion.
4. CDO 98-057 was issued to the Discharger for several unauthorized discharges to the Merced River. The CDO includes time schedules for the Discharger to implement short-term and long-term disposal capacity and comply with WDRs Order 89-066.
5. The Discharger continued to discharge into the Merced River and began experiencing effluent salinity issues that were caused by high electrical conductivity (EC) and high sodium discharge to the WWTF that sealed the bottoms of the disposal ponds and further reduced the disposal capacity of the WWTF. On 23 October 1998, the Central Valley Water Board adopted Special Order 98-218 to modify CDO 98-057 to include salinity source control tasks and a ban on new connections to the WWTF.
6. To comply with the CDO, the Discharger constructed on 15 acres of land owned by Joseph Gallo Farms temporary Ponds H and I that became operational in October 1999 and provided 0.90 mgd of interim disposal capacity. Ponds H and I were removed after the Discharger constructed the new WWTF units.
7. On 28 January 2000, the Central Valley Water Board adopted Special Order 5-00-005 to remove the connection ban (Tasks 3 and 4) of Special Order 98-218.

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8. In November 2002, the Discharger submitted a Report of Waste Discharge for the construction of new WWTF treatment units and an increase in wastewater flows up to 2.0 mgd.
9. The Discharger adopted Negative Declaration (SCH #2000101074) and filed a Notice of Determination on 18 October 2001 for flow increase up to 2.0 mgd and an upgrade of the WWTF.
10. The Discharger constructed the new WWTF units, which and went on-line in 2004. The WWTF consists of a headworks, one oxidation ditch, two secondary clarifiers, two existing scum ponds, four soil cement lined sludge drying beds, a half-acre soil cement sludge holding pad; and Ponds 1 through 6 and Ponds 7 and 8.
11. The old primary clarifier and digester tank are no longer used.
12. The Discharger stopped using Ponds 1 through 6 in mid-2008 as they are adjacent to the Merced River. Ponds 1 through 3 are above the 100-year floodplain, but Pond 2 has a breached levee. Ponds 4 through 6 are within the 100-year floodplain. Now Ponds 7 and 8 provide the entire disposal capacity at the WWTF. The Discharger has not discharged to the Merced River since 2008. Pond 7 and Pond 8 each have disposal capacity of 1.0 mgd. The WWTF has a disposal capacity of about 1.0 mgd with either pond 7 or 8 out of service. The City intends to reconfigure Ponds 1 through 3 into two ponds with a 550-foot buffer between the ponds levees and the River. WDRs Order R5-2014-XXXX requires the Discharger to complete the reconfiguration or an alternative project that will provide a firm disposal capacity of 2.0 mgd by December 2019 (5 years from the adoption of Order R5-2014-XXXX).
13. In early 2014, Fresenius Medical Care (Fresenius) a facility that manufactured hemodialysis concentrate solution and discharged the high salinity and high sodium wastewater to the WWTF went out of business. The WWTF effluent now has a low EC of 693 umhos/cm (2013 annual average) and sodium concentration of above 100 mg/L (21 July 2014 grab sample). The issues with sodium sealing of the ponds appears to be resolved.
14. The Discharger substantially has complied with CDO 98-057 and Special Orders 98-218 and 5-00-005 and these orders should, therefore, be rescinded.
15. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with California Code of Regulations, Title 14, section 15321(a)(2).

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16. On \_\_ December 2014, in Rancho Cordova, California, after notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider rescission of Order 98-057.

**IT IS HEREBY ORDERED** that Cease and Desist Order 98-057 and Special Orders 98-218 and 5-00-005 are rescinded.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX December 2014.

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PAMELA C. CREEDON, Executive Officer

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, Title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filling petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/)

or will be provided upon request.