



California Regional Water Quality Control Board

Central Valley Region

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Arnold
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FILE

17 November 2009

Mr. David Tucker
City of Merced
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Merced, CA 95340

CERTIFIED MAIL
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NOTICE OF APPLICABILITY

ORDER NO. R5-2008-0081-048 (NPDES NO. CAG995001), WASTE DISCHARGE REQUIREMENTS FOR DEWATERING AND OTHER LOW THREAT DISCHARGES TO SURFACE WATERS, CITY OF MERCED, WASTEWATER TREATMENT FACILITY, WDID 5B24NP00002, MERCED COUNTY

On 19 May 2009, the City of Merced (City) submitted a Notice of Intent (NOI) to comply with Order No. R5-2008-0081 (NPDES No. CAG995001), Waste Discharge Requirements for Dewatering and Other Low Threat Discharges to Surface Waters (General Order) for groundwater dewatering activities associated with the Merced Wastewater Treatment Facility (WWTF) Phase IV upgrade and expansion project. Subsequent to the 19 May 2009 NOI submittal, ECO:LOGIC Engineering provided multiple supplements to the City's NOI. Based on the information in the NOI and subsequent documentation, we have determined that the discharge of groundwater from the WWTF upgrade and expansion project described herein meets the conditions for enrollment under the General Order. The City is hereby assigned Order No. R5-2008-0081-048, NPDES No. CAG995001, and WDID # 5B24NP00002. The City may proceed to discharge in accordance with the General Order and this Notice of Applicability.

The General Order is enclosed and may also be viewed at the following web address: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0081.pdf. A copy of the General Order and this Notice of Applicability are required to be maintained at the WWTF and be available at all times to operating personnel. Key operating personnel are required to be familiar with its content.

PROJECT DESCRIPTION

The WWTF is located at 10260 Gove Road in Merced County. The Phase IV WWTF upgrade and expansion project involves construction of a new effluent pump station, headworks, process piping, and various hydraulic control structures. Project construction reportedly requires groundwater dewatering from May 2009 through November 2011 (estimate) at a discharge rate of up to 0.25 million gallons per day (average dry weather flow).

The NOI indicates that the City may be able to discharge to City-owned lands during dry weather periods and to the WWTF at times. During a 14 May 2009 compliance inspection, a Central Valley Regional Water Quality Control Board (Central Valley Water Board) inspection contractor observed that the City was pumping groundwater from the dewatered construction area to the WWTF headworks. It is our understanding through subsequent conversations with City staff that the City intends to continue pumping groundwater to the WWTF as long as it is feasible to do so. When it is infeasible to discharge to land or the WWTF, the City proposes to discharge groundwater directly to the Paden Drain or the existing 1.6 mile WWTF effluent channel, both of which flow to Hartley Slough.

MONITORING AND REPORTING

The City shall comply with the Monitoring and Reporting Program (MRP) in Attachment E of the General Order. Please be advised that in accordance with the MRP, the City shall notify our office 24 hours before initiating the discharge of groundwater to either the Paden Drain or the WWTF effluent channel.

The MRP requires submittal of quarterly self-monitoring reports (SMRs), which are to include the results of all monitoring specified in the MRP. Quarterly SMRs shall be submitted to the Central Valley Water Board, Fresno Office (Attention: NPDES Program) and are due on 1 May, 1 August, 1 November, and 1 February. Quarterly SMRs are required even if there is no discharge or receiving water flow during the reporting quarter.

The following information shall be included on all monitoring reports, as well as report transmittal letters, submitted to the Central Valley Water Board:

The agency name, facility name, waste discharge requirements order number, WDID number, and contact information (telephone address and email address, if available)

GENERAL INFORMATION AND REQUIREMENTS

Failure to abide by the requirements of the General Order and this Notice of Applicability could result in enforcement actions as authorized by provisions of the California Water Code. Violations of the effluent limitations contained in the General Order may be subject to a \$3,000 Mandatory Minimum Penalty (MMP) per violation for serious or chronic violations if certain conditions are met [Water Code Section 13385(h) and (i)]. In addition, a SMR received more than 30 days after its due date is subject to a \$3,000 MMP. An additional \$3,000 MMP is mandated for each additional 30 days a report is late. If there is no discharge during a reporting period, the City must still submit a report indicating that no discharge occurred, or it may be subject to the MMP.

The City is subject to the terms and conditions of the General Order and is responsible for paying the annual fee (as specified in the annual billing the City will receive from the State Water Board) until coverage under the General Order is officially terminated. To officially terminate coverage, the City shall request, in writing, termination of coverage under the

General Order. Upon submission of this request, coverage under this General Order for the discharge described herein is officially terminated.

If you have any questions concerning this Notice of Applicability or the General Order, please contact Matt Scroggins at (559) 445-6042 or at msscroggins@waterboards.ca.gov.

Pamela C. Creedon

Per Pamela C. Creedon
Executive Officer

Enclosure: Order No. R5-2008-0081 (Discharger only)

cc: Mr. David Smith, (WTR-5), U.S. Environmental Protection Agency, Region IX,
San Francisco
Mr. Phil Isorena, Division of Water Quality, State Water Board, Sacramento
Department of Water Resources, San Joaquin District, Fresno
Department of Fish and Game, Region IV, Fresno
Merced County, Environmental Health Department, Merced
Mr. Humberto Molina, City of Merced, 678 W. 18th Street, Merced, 95340
Ms. Tiffany Knapp, ECO:LOGIC Engineering, 3875 Atherton Road, Rocklin, CA 95765

