

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2014-XXXX

RESCISSION OF TIME SCHEDULE ORDER R5-2010-0904  
FOR  
CITY OF MERCED  
WASTEWATER TREATMENT FACILITY  
MERCED COUNTY

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

1. The City of Merced (Discharger) owns and operates the Merced Wastewater Treatment Facility (Facility). The Facility discharges treated wastewater to Hartley Slough, a water of the United States. Hartley Slough is an ephemeral, effluent dominated water body that flows to Owens Creek and then to the San Joaquin River via a network of natural and artificial channels. The Facility is at 10260 Gove Road in Merced.
2. On 14 March 2008, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2008-0027, NPDES Permit No. CA0079219 that prescribed waste discharge requirements for the Discharger's Facility. WDRs Order No. R5-2008-0027 contained, in part, final effluent limitations for cyanide, dibromochloromethane (DBCM), dichlorobromomethane (DCBM), biochemical oxygen demand (BOD), total suspended solids (TSS), settleable solids, total coliform organisms, turbidity, and BOD/TSS percent removal that the Discharger could not comply with until additional, necessary control measures were identified and implemented.
3. WDRs Order No. R5-2008-0027 contained a time schedule to comply with the final effluent limitations by 18 May 2010.
4. In a letter dated 8 January 2010, the Discharger stated that additional time was required in order to complete treatment upgrades to the Facility to comply with the final effluent limitations for cyanide, DBCM, DCBM, BOD, TSS, settleable solids, total coliform organisms, turbidity, and BOD/TSS percent removal.
5. On 18 May 2010, the Executive Officer issued Time Schedule Order (TSO) R5-2010-0904 for the Facility. The TSO provided a timeline and required full compliance with the effluent limitations for cyanide, DBCM, DCBM, BOD, TSS, settleable solids, total coliform organisms, turbidity, and BOD/TSS percent removal by 30 September 2011.
6. The Discharger has achieved compliance by expending in excess of \$37 million on upgrades to the Facility to provide disinfected tertiary level of treatment and demonstrating the ability to comply with the final effluent limitations. The Discharger certified the tertiary treatment upgrades were completed in a 16 May 2011 letter. Therefore, TSO R5-2010-0904 is no longer necessary.

7. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its interest to rescind TSO R5-2010-0904, and has provided them with an opportunity for a public hearing and an opportunity for them to submit their written views and recommendations.
8. Rescission of TSO R5-2010-0904 is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq), in accordance with the California Code of Regulations, title 14, section 15321(a)(2).
9. The Central Valley Water Board, in a public meeting, heard and considered all comments and evidence pertaining to this matter.

**IT IS HEREBY ORDERED** that Time Schedule Order R5-2010-0904 is rescinded.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, 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 Resources Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing 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.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that 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 August 2014.

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PAMELA C. CREEDON, Executive Officer