

**Regional Water Quality Control Board  
Central Valley Region  
Board Meeting – 4-5 December 2014**

**Response to Written Comments for City of Livingston  
Domestic Wastewater Treatment Facility  
Tentative Waste Discharge Requirements and  
an Order Rescinding Cease and Desist Order 98-057 and Amending Orders**

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At a public hearing scheduled for 4 and 5 December 2014, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) will consider prescribing Waste Discharge Requirements (WDRs) and rescinding Cease and Desist Order 98-057 and all orders issued to amend the Cease and Desist Order for City of Livingston, Domestic Wastewater Treatment Facility (WWTF). This document contains responses to written comments received regarding the tentative WDRs (TWDRs) initially circulated on 3 September 2014. Written comments were required by public notice to be received by the Central Valley Water Board by 6 October 2014 to receive full consideration. Comments for the TWDRs were received by City of Livingston, Central Valley Clean Water Association, and Ms. Colette Alvernaz. No comments were received regarding the rescissions.

Written comments from the above parties are summarized below, followed by the response of the Central Valley Water Board staff. Central Valley Water Board staff also updated the Monitoring and Reporting Program to reflect new paperless office requirements (which did not have a substantive effect on the monitoring requirements). Central Valley Water Board staff made some changes to the TWDRs based on comments and to improve clarity and fix typographical errors.

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**CITY OF LIVINGSTON (CITY) COMMENTS**

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On 6 October 2014, Alfonso Manrique with Gouveira Engineering, Inc., on behalf of the City of Livingston submitted comments, including a list of comments from the City's Chief Plant Operator for the WWTF. The following summarizes the City's comments.

**CITY COMMENT NO. 1:** Several of the City's comments have to do with parts of the TWDRs that describe or regulate the City's disposal capacity via Ponds 7 and 8 and the City's proposed pond reconfiguration project that would modify the levees in Ponds 1, 2, and 3, to provide a buffer between the ponds and the Merced River. The City states that the capacity of Pond 7 and 8 seems to be adequate at this time but that this should be confirmed with percolation tests. The City also states that the pond reconfiguration project as previously proposed would permanently reduce the City's disposal area significantly. The City comments that it would like to consider an alternate project to the original pond reconfiguration project. The City states that instead of reconfiguring Ponds 1, 2, and 3, it would like to continue using Ponds 1, 2, and 3 with only two feet or less of wastewater to reduce the risk of an accidental spill into the Merced River due to levee failure.

**RESPONSE:** Current effluent flows are around 1.00 to 1.08 million gallons per day (mgd). The TWDRs limit the discharge flow to 1.18 mgd; this limit is carried over from the existing WDRs. Staff believes that the WWTF currently has a sustainable disposal capacity of about 1.0 mgd. Based on a design report prepared by Carollo Engineers and submitted by the City, both Pond 7 and Pond 8 have a certified design capacity of 1.0 mgd. Each pond's individual capacity is probably slightly higher than 1.0 mgd due to design safety factors. However, to maintain each pond's individual capacity, the City must be able to dispose of all of its effluent in one pond while the other is out of service for maintenance. The City needs to provide additional pond capacity to ensure adequate long-term disposal capacity for existing and future flows. In 2010, the City proposed to increase its disposal capacity to 2.0 mgd by reconfiguring Ponds 1, 2, and 3. The TWDRs as proposed allow the City to increase its flow to 2.0 mgd once the City demonstrates it has the necessary disposal capacity. The City letter implies it would like to re-rate the capacity of Ponds 7 and 8 and embark on

a different project to bring Ponds 1, 2, and 3 into service to provide additional disposal capacity. To rerate the ponds, the City would have to submit an appropriate engineering analysis of the ponds' potential disposal capacities. The analysis would require consideration of more than just percolation test results; percolation rates in ponds used for the disposal of wastewater will typically get worse over time, particularly if the ponds are not regularly rotated out of service for maintenance.

Regarding the use of Ponds 1, 2, and 3, in 2008, during Pond 7 and 8 drying operations, the City was discharging to Pond 3 when seepage from beneath the pond levee was observed flowing into the Merced River. The City switched effluent disposal to Pond 2, which subsequently failed resulting in the uncontrolled discharge of undisinfected effluent to the Merced River. Pond 2 reportedly failed with only 2.8 feet of effluent in it. Since the failure, the City has refrained from discharging to Ponds 1, 2, and 3. The City retained Condor Earth Technologies Inc. to conduct a geotechnical evaluation of the failed levee in Pond 2. According to the resulting 11 June 2008 *WWTP Pond Perimeter Levee Failure Geotechnical Evaluation*, the soil composition of the levee was primarily uniform, non-plastic fine-grained sandy silt making the levee vulnerable to piping erosion. Condor recommended that the levee be repaired with more suitable soils having greater clay and wider gradation of particle grain-size that is adequately compacted as engineered fill.

Construction of additional capacity to 2.0 mgd must also be consistent with the Negative Declaration approved by the City on 18 October 2001, or additional review under the California Environmental Quality Act (CEQA) may be required. Central Valley Water Board staff does not object to the use of Ponds 1, 2, and 3 for low-head wastewater disposal, provided that the City reengineers and reconstructs the pond levees to address the issues discussed above and to permanently preclude discharges to the Merced River. To that end, Central Valley Water Board staff has modified Finding 9 to note the City may consider other projects to increase disposal capacity, and Provision G.3 allows the consideration of different alternatives, provided that they are constructed within the footprint of Ponds 1, 2, and 3, that they resolve the disposal capacity issue, and that they comply with applicable CEQA requirements.

**CITY COMMENT NO. 2:** The City comments that the proposed reclamation areas in the October 2003 Title 22 Engineering Report are now planted with almonds and grapes. The City comments that the WWTF produces undisinfected secondary wastewater which is not suitable to irrigate almonds or grapes. The City requests that Finding 45 of the TWDRs include this information. Regarding Provision G.7, requiring the City to implement its previously-proposed water recycling project, the City notes that there is now nowhere to reclaim its wastewater, because there are only edible crops in the area (edible crops may not be irrigated with undisinfected wastewater). The implication is that Provision G.7 should be removed.

**RESPONSE:** Finding 45 has been updated to note that proposed recycled water use areas in the October 2003 Title 22 Engineering Report are now planted with crops that are unsuitable to receive secondary undisinfected recycled water. However, the City has not provided any evidence to support its statement that the WWTF is surrounded by crops that are unsuitable for the recycling of undisinfected secondary recycled water. Even if the WWTF is surrounded by food crops, it may be feasible to pipe the effluent to sites growing fiber, fodder, and seed crops that are not immediately adjacent to the WWTF. Provision G.7 allows the City to conduct an analysis of the feasibility of

recycling in lieu of completing the recycled water project it proposed in 2003. If the analysis shows there are feasible alternative projects, Provision G.7 requires the City to implement them. If the analysis shows there are no currently feasible projects, and if the Board's Executive Officer concurs, then the City is not required to implement water recycling at this time. Therefore, Provision G.7 has not been changed based on the City comment. Also, see response to Central Valley Clean Water Association Comment No. 3 below.

**CITY COMMENT NO. 3:** The City comments that the TWDRs limit the disposal capacity of the WWTF to 1.18 mgd until the pond reconfiguration project is completed. The City requests that it be allowed to demonstrate the disposal capacity of Ponds 1, 2, 3, 7, and 8 by conducting percolation tests.

**RESPONSE:** See response to City Comment No. 1. No change has been made in response to this comment. Ponds 1, 2, and 3 will generally not provide reliable disposal capacity until they are reengineered and reconstructed to address deficiencies associated with the current materials that make up the pond levees. Flow Limitation B.1 of the TWDRs allows a monthly average dry weather flow increase up to 2.0 mgd once the City has satisfied Provision G.3 of the TWDRs, which requires completion of the pond reconfiguration project or another suitable project that provides additional disposal capacity.

**CITY COMMENT NO. 4:** The City comments on Finding 17, which describes the scum ponds, Finding 50, which indicates the scum ponds and sludge holding pad may not comply with Title 27, California Code of Regulations containment requirements, and Provision G.4, which requires the City to investigate these issues. The City comments that both sludge lagoons are lined with a 6-inch soil cement liner. The City includes in its comments what appears to be part of a contract document that notes that the bottoms and inside slopes of shall be treated during construction with a soil cement mixture to a depth of 12 inches. The City also states that Provision G.4 does not include a deadline for Tasks b.i, b.ii, and b.iii submittal of the results characterizing and evaluating the soil cement scum ponds and soil cement sludge holding pad, and that the contract document should fulfill the requirement for the investigation required by Provision G.4.

**RESPONSE:** No changes have been made to the findings. The contract document describes how the ponds should have been built, but not how they were actually completed. As noted in Finding 17, engineering plans submitted by the City indicate only one of the scum ponds may be lined with soil cement. Further investigation by a properly licensed professional is required to determine the existence and efficacy of any scum pond liners. Tasks b.i, b.ii, and b.iii of Provision G.4 have been modified to improve clarity.

**CITY COMMENT NO. 5:** The City comments on Finding 16, which describes the soil cement sludge holding pad, Finding 22, which describes how the soil cement sludge holding pad is within the 100-year flood plain, Finding 50, which indicates both the scum ponds and sludge holding pad may not comply with Title 27, California Code of Regulations containment requirements, and Provision G.4, which requires the City to investigate these issues.

**RESPONSE:** No changes have been made to Findings 16, 22, 50, and Provision G.4. Provision G.4 requires an analysis of the sludge pad's potential to violate Groundwater Limitations, and meet the requirements of California Code of Regulations, Title 27, or obtain an exemption therefrom. The

City's comments focus largely on whether the sludge storage pad is lined and whether it is in the flood plain. Provision G.5 requires the City to provide a report of measures it will implement to prevent inundation or washout due to a 100-year flood event. The City did not comment directly on Provision G.5.

There are two main issues associated with the location and construction of the sludge pad addressed by the TWDRs: (1) whether the sludge pad is within the 100-year flood plain and subject to washout or inundation during a 100-year flood event, and (2) whether the pad's construction is sufficient to comply with the requirements of Title 27 of the Code of California Regulations or qualify for exemption therefrom.

Regarding issue (1), the Board does not have the necessary evidence to conclude that the ponds are out of the 100-year flood plain; the City's unsubstantiated comment that the elevation of the pad is four inches above that of Pond 1, which is claimed to be out of the 100-year flood plain, along with a comment from the WWTF Chief Plant Operator that the design engineer told him the pad was designed to be above the 100-year flood plain, are not sufficient for the Board to make a finding that the pad is out of the 100-year flood plain and/or protected from inundation or washout during a 100-year flood event. As described in Finding 22, Federal Emergency Management Agency Flood Maps dated 2008 clearly show that the location of the pad is within the 100-year flood plain. The potential impacts that the placement of the sludge storage pad in the flood plain have on local flood elevations has not been subjected to an appropriate engineering analysis, nor has an analysis been submitted that demonstrates the pad is protected from inundation and/or washout due to floods.

Regarding issue (2), and as discussed in Finding 16 of the TWDRs, the City has not submitted any technical data (e.g. core sample results, permeability test results, etc.) and an engineering analyses/certifications demonstrating that the sludge holding pad was constructed as designed and demonstrating that it is protective of groundwater quality and exempt from Title 27.

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## CENTRAL VALLEY CLEAN WATER ASSOCIATION (CVCWA) COMMENTS

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On 6 October 2014, CVCWA, submitted comments via email regarding the TWDRs and Special Order for the City of Livingston domestic WWTF.

**CVCWA COMMENT NO. 1:** CVCWA comments that Discharge Specification D.1 of the TWDRs, which reads "No waste constituent shall be released, discharged, or place where it will be released or discharged, in a concentration or in a mass that causes violation of Groundwater Limitations of this Order," is unnecessary and requests that it be removed. CVCWA also states it is duplicative of Groundwater Limitations in section E.1 of the TWDRs. CVCWA comments that it is inappropriate to reference the "mass" of waste constituents in this way because groundwater limitations implement concentration-based water quality objectives.

**RESPONSE:** Discharge Specification D.1 has been modified for clarity, but it is neither duplicative nor unnecessary. Violations of the groundwater limitations may occur when waste disposal is

improperly managed. Discharge Specification D.1 requires the City to manage its waste disposal in a way that will not cause a violation of groundwater limitations.

**CVCWA COMMENT NO. 2:** CVCWA comments that Discharge Specification D.4 of the TWDRs, which reads “The discharge shall remain within the permitted waste treatment/containment structures and evaporation/percolation ponds at all times,” is duplicative of Discharge Prohibition A.4 of the TWDRs and request that it be removed.

**RESPONSE:** The requested change has not been made. Central Valley Water Board staff does not believe Discharge Specification D.4 is duplicative of Discharge Prohibition A.4. Particularly with respect to these WDRs, the City has not provided final design detail for the improvements necessary to secure 2.0 mgd of sustainable disposal capacity.

**CVCWA COMMENT NO. 3:** CVCWA comments that the one year compliance date in Provision G.7 of the TWDRs is not sufficient time for the City to identify a feasible recycling water project, prepare and submit a Report of Waste Discharge (RWD) and a Title 22 Engineering Report. CVCWA recommends that the City be allowed one year to explore recycling water opportunities, and an additional year to prepare and submit the RWD and Title 22 Engineering Report.

**RESPONSE:** The requested change has been made.

**CVCWA COMMENT NO. 4:** CVCWA comments that Provision G.6 of the TWDRs is unnecessary. CVCWA states that the one industrial discharger contributing high salinity to the wastewater treatment facility has since gone out of business and no longer discharges to the City’s collection system. Additionally, CVCWA comments an industrial user survey is not justified since the effluent from the wastewater treatment facility is of good quality, there is a low threat of salinity impacts to groundwater, and the relative size of the City. CVCWA requests that Provision G.6 of the TWDRs be removed from the TWDRs.

**RESPONSE:** The requested change has not been made. Historical discharges from the former industrial user contributed to reduced pond capacity and resulted in discharges of wastewater to the Merced River on multiple occasions. Although that industry is no longer discharging, the City does have a large area that is zoned for industrial or highway service commercial and commercial. The industrial user survey is necessary to determine whether there are users connected to the collection system that could discharge incompatible wastes to the collection system and WWTF.

**CVCWA COMMENT NO. 5:** CVCWA comments that Provision G.3 and Provision G.4 of the TWDRs set schedules for compliance with Flow Limitation B.1, Groundwater Limitation E.1, and the requirements of California Code of Regulations, Title 27, respectively, but the TWDRs do not provide clear time schedules that protect the City from liability consistent with the intent of the TWDRs. CVCWA recommends that the opening sentence of Provisions G.3 and G.4 be revised as to read as follows:

Provision G.3

“To allow the Discharger sufficient time to achieve compliance with Effluent Limitation B.1, the Discharger shall comply with the following time schedule...”

Provision G.4

“To allow the Discharger sufficient time to comply with WDRs Order R5-2014-XXXX, Groundwater Limitation E.1, and the requirements of California Code of Regulations, Title 27, the Discharge shall comply with the following time schedule...”

**RESPONSE:** Provision G.3 of the TWDRs erroneously refers to “Effluent Limitation B.1”. The reference has been corrected to “Flow Limitation B.1”. Board staff does not recommend adopting CVCWA’s recommended language for Provisions G.3 and G.4. This language could be interpreted to provide the City with protection from potential liability, should the City exceed the 1.18 mgd flow limit, impact groundwater in violation of Limitation E.1, or be out of compliance with the applicable provisions of Title 27 before the Executive Officer approves the technical reports required in Provisions G.3.b and G.4.d. The intent of these provisions was to mandate a timeline under which the City must evaluate and remedy (if necessary) deficiencies in the existing WWTF, not to excuse compliance in the interim. Furthermore, providing the liability protection requested by CVCWA would be inconsistent with the Board’s prior enforcement orders. Though Board staff do not intend to prioritize enforcement of minor violations of either the 1.18 mgd flow limit or Groundwater Limitation E.1, neither does Board staff recommend restricting the ability of the Board to enforce these requirements, should significant violations occur before the technical reports are approved by the Executive Officer.

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**COLETTE ALVERNAZ COMMENTS**

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On 6 October 2014, Ms. Colette Alvernaz, submitted three letters regarding the TWDRs and Special Order for the City of Livingston WWTF. The following summarizes the salient comments made by Ms. Alvernaz

**COLETTE ALVERNAZ COMMENT NO. 1:** Ms. Alvernaz comments there is no provision in the TWDRs requiring the City to fill decommissioned Ponds 4, 5, and 6. Ms. Alvernaz also states that the if the purpose of the pond reconfiguration project is to move away from the Merced River, then the City needs to restore Ponds 4, 5, and 6 to a more natural habitat, otherwise the City might continue to use the ponds.

**RESPONSE:** Provision G.3, Task a. of the TWDRs requires the City to complete the pond reconfiguration project proposed in the October 2010, *City of Livingston Percolation Ponds Reconfiguration* or complete another project to increase the WWTF disposal capacity to 2.0 mgd. Ponds 4, 5, and 6 are no longer considered suitable for disposal due primarily to their location within the flood plain. Task b. of Provision G.3 of the TWDRs requires the City to submit a technical report demonstrating that Ponds 4, 5, and 6 have been permanently disconnected from the WWTF.

Given the WWTF will be permanently disconnected from Ponds 4, 5, and 6, there is no water quality based reason to fill in the ponds.

**COLETTE ALVERNAZ COMMENT NO. 2:** Ms. Alvernaz indicates the City should be required to sample the bottom of the ponds for heavy metals and clean the ponds before decommissioning the ponds.

**RESPONSE:** The requested change has not been made. Historically, the City has not had heavy industry discharging metals into its collection system. The problematic discharger described above produced wastewater high in salinity. Typical domestic wastewater is not high in metals. Where metals are present in discharges to WWTFs, they tend to accumulate in the WWTF sludge. Analytical data from 2007 through 2013 shows that sludge produced at the WWTF meets ceiling concentrations for metals established in Title 40 of the Code of Federal Regulations, Part 503.13 as suitable for land application to crops. Therefore, Central Valley Water Board staff does not believe metals sampling is necessary.

**COLETTE ALVERNAZ COMMENT NO. 3:** Ms. Alvernaz comments that analytical results from plant tissue taken from an oak tree next to the WWTF shows abnormal quantities of aluminum and molybdenum, neither of which are found in the area at large quantities. Ms. Alvernaz states that aluminum and molybdenum come from an outside source and believes that source to be the percolation ponds at the WWTF.

**RESPONSE:** Central Valley Water Board staff contacted the analytical lab that provided the results, Denele Analytical, Inc., and spoke to lab manager, Joshua Huot regarding the plant tissue analytical results dated 1 October 2007. According to Mr. Huot the typical range for molybdenum and aluminum in plants is between 0.4 to 1.2 parts per million (ppm), and 200 to 250 ppm, respectively. The 1 October 2007 plant tissue analytical results submitted by Ms. Alvernaz shows molybdenum at 1.0 ppm and aluminum at 180 ppm, well within the acceptable range for plant tissue. Mr. Huot said that, based on the 1 October 2007 plant tissue analytical results, concentrations for all the constituents look pretty average and there is nothing alarming about any of the constituents.

**COLETTE ALVERNAZ COMMENT NO. 4:** Ms. Alvernaz comments that the TWDRs do not mention a cement plant operation on 20 acres of land west of the WWTF, adjacent to Pond 8 and owned by the City.

**RESPONSE:** The TWDRs regulate discharges associated with the treatment and disposal of wastewater processed by the WWTF. The cement plant operation does not discharge to the WWTF. The threat to water quality that the cement plant operation may pose will be addressed outside of this permitting action.

**COLETTE ALVERNAZ COMMENT NO. 5:** Ms. Alvernaz comments that the TWDRs do not mention the City using its property as a temporary green waste disposal site.

**RESPONSE:** The TWDRs regulate discharges associated with the treatment and disposal of wastewater processed by the WWTF. The storage and/or discharge of green wastes and other materials by the City on land it owns will be addressed outside of this permitting action.

**COLETTE ALVERNANZ COMMENT NO. 6:** Ms. Alvernanz comments that it is not clear when the City used Pond 2 for wastewater disposal. Ms. Alvernanz states that there are inconsistencies in Central Valley Regional Water Board records regarding the use of Pond 2. Ms. Alvernanz references the 8 April 2008 Central Valley Water Board staff letter titled *Review of Revised Groundwater Monitoring Work Plan* and a 15 May 2008 Central Valley Water Board Inspection Report. Ms. Alvernanz asks why the levee in Pond 2 failed if it appears Pond 2 was not in use.

**RESPONSE:** Central Valley Water Board staff has reviewed the subject documents and applicable self-monitoring reports (SMRs) submitted by the City.

The City removed Pond 7 from service in February 2008. A 15 May 2008 Central Valley Water Board staff Inspection Report indicates that at that time, the City utilized Ponds 1, 2, and 3 during the maintenance of Ponds 7 and 8. The SMRs indicate that the City discharged to Pond 2 from January through March 2008, and then to Pond 4 in April 2008. In May 2008, the City discharged to Ponds 3 and 4. In 5 May 2008, effluent was seeping from beneath the levee of Pond 3 and water being discharged to Pond 3 was routed to Pond 2. Pond 2 was in operation from 5 May 2008 to 14 May 2008 until the levee in Pond 2 failed. After the levee failure of Pond 2, Pond 8 was returned to service.

Central Valley Water Board documents are consistent with the above timeline and information provided in the SMRs.

**COLETTE ALVERNANZ COMMENT NO. 7:** Ms. Alvernanz references a Central Valley Water Board staff memorandum dated 26 February 2002, where staff notes that after a file review they were unable to find a RWD for the new WWTF. Ms. Alvernanz comments that the City has not submitted a RWD and Initial Study/Mitigated Negative Declaration to the Central Valley Water Board for the new WWTF.

**RESPONSE:** At the time the staff memorandum was written, the City had not submitted a RWD for the proposed WWTF upgrade.

On 25 November 2002, the City submitted a RWD for proposed WWTF upgrades and a flow increase up to 2.0 mgd. As described in the RWD and Findings of the TWDRs, the proposed upgrade consisted of a new oxidation ditch, two new secondary clarifiers, four new soil cement lined sludge drying beds, sludge holding area, two new evaporation/percolation ponds (Ponds 7 and 8), and six existing evaporation/percolation ponds (Ponds 1 through 6).

On 23 December 2002, the Central Valley Water Board issued the City an incomplete RWD letter. The December 2002 Central Valley Water Board letter requested clarification on maximum daily effluent flow requested by the City, characterization of the wastewater for general minerals, revised site map, an evaluation of groundwater data, an evaluation of the feasibility of mechanical dewatering that will reflect best practicable treatment and control, a FEMA map delineating

boundaries of the WWTF ponds and engineering certification that levees in Ponds 4, 5, and 6 are protected from a 100-year flood if ponds will be used on a routine basis.

On 11 July 2008, the City submitted additional information in response to the December 2002 Central Valley Water Board incomplete RWD letter.

The City adopted a Negative Declaration in accordance with CEQA and filed a Notice of Determination (SCH #2000101074) on 18 October 2001 for a flow increase up to 2.0 mgd and an upgrade to the WWTF. A copy of the CEQA document was submitted to the Central Valley Water Board on 2 August 2001. The CEQA document describes the City's proposed project for an extended aeration process (Biolac or similar system), two new secondary clarifiers, new sludge drying beds, and additional evaporation/percolation ponds on half of the 40-acre parcel purchased by the City.

As documented in the findings of the TWDRs, the City has submitted ample information to support the already constructed upgrades to the WWTF. Provision G.4 of the TWDRs includes a compliance schedule for the City to provide additional disposal capacity up to 2.0 mgd, as previously proposed.

**COLETTE ALVERNANZ COMMENT NO. 8:** Ms. Alvernanz comments that while City's population increased from 7,317 people in 1990 to 10,473 people in 2000, flows at the WWTF decreased from 0.948 mgd in 1990 to 0.886 mgd in 2000. Ms. Alvernanz comments that flow data is suspect and requires additional evaluation.

**RESPONSE:** Central Valley Water Board staff has reviewed January 1991 through April 2014 SMRs submitted by the City along with United States Census Bureau population data.

SMRs indicate the City has had historical issues with its WWTF flow meter from 1990 through 2003. Further, SMRs show that in 2004, after the construction of the new WWTF treatment units, flows at the WWTF became more stable. Monthly average flows ranged from 1.02 to 1.13 mgd in 2004; 1.09 to 1.17 mgd in 2005; 1.08 to 1.21 mgd in 2006; 1.05 to 1.16 mgd in 2007; 1.05 to 1.16 mgd in 2008; 0.97 to 1.12 mgd in 2009; 0.99 to 1.37 mgd in 2010; 1.00 to 1.08 mgd in 2011; 1.01 to 1.06 mgd in 2012; 1.01 to 1.06 mgd in 2013; and 1.00 to 1.01 mgd in 2014.

US Census Bureau data indicates that the City has had growth over the years from 7,317 people in 1990 to 10,473 people in 2000, 13,058 people in 2010, and an estimated 13,571 people in 2013. From the monthly average flows and population data, Central Valley Water Board staff determined wastewater generation rates as ranging from 75 to 105 gallons per day per capita for the City of Livingston. These rates are well within normal ranges for per capita generation of domestic wastewater. Additionally, the self-monitoring flow data associated with the upgraded WWTF does not appear to contain anomalies that would raise suspicion about its validity.

**COLETTE ALVERNANZ COMMENT NO. 9:** Ms. Alvernanz comments that the City is actively constructing Pond 9, adjacent to Pond 8. Ms. Alvernanz also comments that the City has not completed CEQA for Pond 9. Ms. Alvernanz questions whether the Central Valley Water Board has issued the City

WDRs for Pond 9 and if WDRs were issued before CEQA was completed. Ms. Alvernaz comments that Attachment B of the TWDRs does not show Pond 9.

**RESPONSE:** The 2002 RWD proposes a flow increase to 2.0 mgd and WWTF pond upgrades consisting of 2 new evaporation/percolation ponds (Ponds 7 and 8), and six existing evaporation/percolation ponds (Ponds 1 through 6). The City completed CEQA for this project in 2001.

On 11 May 2009, the City filed with the State Clearinghouse a Draft Environmental Impact Report (EIR) (SCH # 2007051004) for a proposed WWTF expansion to increase flows from 2.0 mgd to 4.0 mgd to accommodate planned growth within the City's expanded planning area and sphere of influence mentions Pond 9. The Central Valley Water Board received a copy of the Draft EIR 12 May 2009. The City has not submitted a RWD to the Central Valley Water for a flow increase greater than 2.0 mgd and construction of Pond 9.

The purpose of the TWDRs is for Central Valley Water Board to update current WDRs Order 89-066 and ensure that the discharge is consistent with Central Valley Water Board plans and policies and prescribe requirements that reflect changes the City has made to its WWTF since 1989. The TWDRs regulate the project described in the City's 2002 RWD and does not allow a flow increase greater than 2.0 mgd and/or discharge of wastewater to Pond 9. If the City decides to increase flows and/or construct Pond 9, it will need to complete the CEQA process, and submit to the Central Valley Water Board a RWD at least 140 days prior to discharging.