

ITEM:	11
SUBJECT:	City of Livingston, Domestic Wastewater Treatment Facility, Merced County
BOARD ACTION:	<i>Consideration of Waste Discharge Requirements and an Order Rescinding Cease and Desist Order 98-057 and Amending Orders</i>
BACKGROUND:	<p>Waste Discharge Requirements (WDRs) Order 89-066 prescribes requirements for the City of Livingston (City) domestic WWTF and allows a monthly average dry weather flow of 1.18 million gallons per day (mgd) and an increase up to 1.8 mgd upon construction and certification of appropriate disposal pond capacity.</p> <p>Cease and Desist Order (CDO) 98-057 was issued due to unauthorized discharges to the Merced River and included a time schedule requiring the City to implement short-term and long-term measures to come into compliance with WDRs Order 89-066. Subsequent discharges to the Merced River and effluent salinity issues led to the adoption of Special Order 98-218, which modifies CDO 98-057 to include salinity source control tasks and a connection ban. Special Order 5-00-005 was adopted to remove the connection ban after the City made some improvements.</p> <p>In 2002, the City submitted a Report of Waste Discharge (RWD) proposing to upgrade the WWTF to include: a new headworks, a new oxidation ditch, two new secondary clarifiers, four new soil cement sludge drying beds, one new soil cement sludge holding pad, and two new evaporation/percolation ponds and an increase in wastewater flows up to 2.0 mgd. The City new WWTF went on-line in 2004; however, failures of older disposal ponds have limited the WWTF disposal capacity.</p> <p>The proposed WDRs describe the new WWTF. The CDO and amending Orders no longer describe current issues and are inappropriate.</p> <p>The proposed WDRs include a time schedule requiring the City to complete the original pond reconfiguration project or an alternative project to provide disposal capacity to 2.0 mgd. The WDRs also require the City to evaluate the potential impacts to groundwater by the scum ponds and the sludge holding pad and demonstrate how these meet the requirements for exemption from Title 27, California Code of Regulations. The proposed WDRs require the City to submit a technical report describing measures it will implement to protect the sludge holding pad due to 100-year floods.</p>
ISSUES:	<p>Written comments were received from the City of Livingston, Central Valley Clean Water Association (CVCWA), and Ms. Colette Alvernaz. Revisions were made to the proposed WDRs to address of the comments. Full responses to comments are in the agenda package. A short summary of the issues and staff's responses are below:</p> <ol style="list-style-type: none"> 1. The City questions need to investigate whether the scum ponds and sludge holding pads are lined to meet state antidegradation requirements and Title 27 containment requirements or exemption

	<p>therefrom. The City has submitted contradictory information regarding whether both scum ponds are lined. The City never submitted evidence certifying construction of the sludge pad liner, which staff has found was built over an old burn dump. The City needs to provide appropriate engineering analyses of both the scum pond liners and the sludge pad liner to determine whether they meet, or need to be modified to meet, state antidegradation requirements and Title 27 regulations.</p> <p>2. The City believes the sludge holding pad is out of the 100-year flood plain. Federal Emergency Management Agency Flood Maps clearly show that the location of the pad is within the 100-year flood plain. The impacts of the sludge storage pad in the flood plain have not been subjected to an appropriate engineering analysis. It is also unclear whether the pad is protected from inundation and/or washout due to floods.</p> <p>3. CVCWA states the proposed WDRs do not provide clear time schedules for obtaining disposal capacity and the scum pond/sludge pad investigations and is not protected from liability consistent with the intent of the proposed WDRs. The time schedules are designed to put the City on a compliance schedule, not to provide a complete shield from potential further enforcement. Central Valley Water Board enforcement staff intends to use its discretion should the City violate its flow limits or cause or exacerbate unreasonable groundwater degradation or pollution.</p> <p>4. Ms. Colette Alvernaz is concerned the City is constructing an additional pond without an appropriate permit and without complying with the California Environmental Quality Act (CEQA). The City has excavated a hole on property within the boundary of the WWTF. The City submitted a RWD in 2002 for a flow increase up to 2.0 mgd and WWTF pond upgrades. The City also completed CEQA for the project. The proposed WDRs will regulate the project described in the RWD and CEQA document and will not authorize discharges over 2.0 mgd and/or to a ninth pond (e.g. the excavation in question). The City would have to complete the CEQA process and submit a new RWD to discharge to ponds not described in the proposed WDRs.</p> <p>5. Ms. Alvernaz states that the City is using a 20-acre parcel it owns for the operation of a cement plant and the storage and/or discharge of green waste and other materials. These issues will be investigated further by Central Valley Water Board staff outside of this permitting action.</p>
RECOMMENDATION:	Adoption the proposed Waste Discharge Requirements and Special Order.

Mgmt. Review _____
 Legal Review PEP

4/5 December 2014
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