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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Sacramento Area Office
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Sacramento, California 95814-4706

February 11, 2008

RECEIVED

W. Dale Harvey
Senior Engineer
Regional Water Quality Control Board
Central Valley Region
1685 E Street
Fresno, CA 93706

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FRESNO, CALIF.

Dear Mr. Harvey:

Thank you for requesting agency participation in the review of the January 8, 2008, Notice of Tentative Waste Discharge Requirements (WDR) (National Pollutant Discharge Requirements [NPDES] Permit Number CA0079219) for the City of Merced – Merced Wastewater Treatment Facility in Merced County. NOAA's National Marine Fisheries Service (NMFS) welcomes the opportunity to comment on this project.

The City of Merced (City) currently owns and operates the Merced Wastewater Treatment Facility (Merced WWTF) in Merced County, California. The Merced WWTF currently discharges at several locations, including Miles Creek (37° 14' 38" N, 120° 32' 30" W), Hartley Slough (37° 15' 12" N, 120° 31' 46" W), the Merced Wildlife Management Area (37° 14' 13" N, 120° 31' 24" W) and the Land Application Area (LAA) (37° 14' 41" N, 120° 31' 22" W). The Merced WWTF has applied for a NPDES permit renewal and intends to upgrade and expand its current facilities in a phased approach. At this time, the Merced WWTF has a design flow capacity of 10 million gallons per day (mgd). The City plans to increase this design capacity through three phases to an ultimate capacity of 20 mgd of tertiary effluent. The purpose of the expansion is to accommodate the City's planned growth in the future.

In first phase, the City will construct a new tertiary pump station, a flocculation basin with coagulant feed, filters, a ultra violet (UV) disinfection unit, and an effluent reaeration unit. The City will also install active solar driers to produce class A sludge. These improvements will result in a monthly average dry weather tertiary treatment capacity of 12 mgd. In phase two, the City will construct new headworks and influent pump station with fine screens and grit removal, a storm water retention basin with overflow to the WWTF emergency storage basins, a third primary clarifier, a fourth activated sludge basin, a third sludge digester, a solids holding tank, and additional active solar driers. These improvements will result in monthly average dry weather tertiary treatment capacity of 16 mgd. In the final third phase, the City will construct a fourth primary clarifier, a fifth activated sludge basin, and a fifth secondary clarifier. These improvements will result in a monthly average dry weather tertiary treatment capacity of 20 mgd. In addition to these modifications and increased capacity of the WWTF, the City of Merced proposes to construct a new pipeline directly to Hartley Slough and discharge its effluent

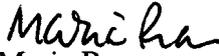


into the slough. Hartley Slough is an effluent dominated water body that would be seasonally dry (ephemeral) if it were not for the WWTF discharge. Hartley Slough flows westward before joining Owens Creek and eventually the San Joaquin River through a series of natural and artificial channels on the valley floor upstream (south) of the Merced River confluence with the San Joaquin River mainstem.

NMFS' primary concern with this Tentative WDR is the potential growth-inducing impacts that the enlargement of the Merced WWTF will have on the surrounding community and the potential effects on Merced River salmonids that may result from this growth. In fact, the notice of public hearing for the Tentative WDR indicates that the stated purposes for doubling the WWTF capacity is to accommodate the projected future growth within the City of Merced. NMFS is concerned that the environmental aspects of urban growth are not being adequately addressed through the Tentative WDR process and that the opportunity for the applicant to address these issues may be lost. NMFS requests that the applicant describe how the future water needs of the community will be managed in light of the anticipated future growth. In particular, will the Merced Irrigation District need to shift more water out of agricultural deliveries into municipal and industrial allotments, with a higher certainty of delivery to its future customers? Will the water demands related to the City's growth place higher demands on the Merced River diversions operated by the Merced Irrigation District than is currently seen, or will more reliance on groundwater pumping be needed to meet these additional water demands? Impacts on fisheries in the Merced River associated with any changes in the shortage criteria and flexibility of operations should be evaluated (*i.e.*, municipal water contracts typically are not shorted during a drought, whereas agricultural contracts can be diminished substantially). If future surface water demands increase as a result of the increased urban growth in the City, how will the Merced Irrigation District continue to meet its obligations to NMFS' trust species in the Merced River? Furthermore, are there opportunities to beneficially reuse this highly treated tertiary wastewater effluent and thereby reduce the water demand of the community? These issues have not been addressed anywhere within the documents presented for this action, yet urban growth has a high probability of occurring as a result of the proposed action. NMFS looks forward to the City of Merced's response to these questions.

Please contact Jeff Stuart at (916) 930-3607, or via e-mail at J.Stuart@noaa.gov if you have any questions concerning these comments or require additional information from NMFS.

Sincerely,


Maria Rea
Sacramento Area Supervisor

Cc:

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