

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2008-0028

RESCISSION OF CEASE AND DESIST ORDER NO. 5-00-247
FOR
CITY OF MERCED
WASTEWATER TREATMENT FACILITY
MERCED COUNTY

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

1. The City of Merced, hereafter Discharger, owns and operates a wastewater treatment facility (WWTF) in Section 10, T8S, R13E, MDB&M, and discharges treated domestic wastewater into Hartley Slough, an indirect tributary to the San Joaquin River, a water of the United States.
2. On 27 October 2000, this Regional Water Board adopted Waste Discharge Requirements Order No. 5-00-246 (NPDES No.CA0079219), to regulate the discharge of up to 10 million gallons per day (mgd) of treated wastewater from the WWTF. This Regional Water Board also adopted on the same day Cease and Desist Order (CDO) No. 5-00-247 requiring the Discharger to:
 - a. Cease and desist from discharging waste in violation of Order No. 5-00-246.
 - b. Ensure long-term treatment capacity and compliance with Order No. 5-00-246 by implementing WWTF modifications.
 - c. Not exceed a monthly average dry weather (May through October) effluent flow of 7.7 mgd unless the Discharger can demonstrate in advance to the written satisfaction of the Executive Officer that a specific higher monthly average dry weather effluent flow rate will not cause or threaten to cause violations of Order No. 5-00-246.
 - d. Cease discharging digester supernatant to land (i.e., to the WWTF's sludge-drying beds) no later than 30 June 2003 unless the Discharger can demonstrate to the satisfaction of the Executive Officer that, based upon groundwater testing and soil testing, there is no threat to groundwater quality.
 - e. Implement modifications necessary for the discharge to achieve compliance with Receiving Water Limitation E.8 (i.e., receiving water pH limitation) by 1 November 2002 or perform a scientifically sound study, subject to scientific peer review, suitable to support a Basin Plan amendment for the surface water pH objective in the Hartley Slough, Miles Creek and Owens Creek watershed.
3. The Discharger's engineer certified on 7 June 2004 that the Discharger had completed WWTF modifications enabling the WWTF to operate satisfactorily at a flow of 10 mgd.

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4. The Discharger ceased direct discharge of digester supernatant to land in October 2000 and on 2 June 2004 began pumping the digester supernatant to the primary effluent junction box between the primary clarifiers and the aeration basins.
5. The Discharger participated in a Basin Plan Advisory Committee formed to provide support for a Basin Plan amendment for pH and turbidity. This Regional Water Board adopted in October 2007 a Basin Plan amendment that, once approved by the State Water Resources Control Board and the U.S. Environmental Protection Agency and implemented, will remove the pH change criteria and resolve the receiving water pH noncompliance.
6. As the Discharger has complied with the components of CDO No. 5-00-247, rescission of CDO No. 5-00-247 is appropriate.
7. The Discharger and interested agencies and persons were notified of the intent to consider rescission of CDO No. 5-00-247 and provided an opportunity for public hearing and an opportunity to submit their written views and recommendations.
8. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with Title 14, California Code of Regulations, Section 15321.
9. All comments and evidence pertaining to this matter were heard and considered in a public meeting.
10. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30 days of the date on which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED that Cease and Desist Order No. 5-00-247 is rescinded.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify 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 14 March 2008.

PAMELA C. CREEDON, Executive Officer