

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
1685 E Street, Fresno, California 93706

PUBLIC HEARING
concerning

Consideration of a Cease and Desist Order
for

CITY OF LIVINGSTON
INDUSTRIAL WASTEWATER TREATMENT FACILITY
MERCED COUNTY

The City of Livingston owns and operates an industrial wastewater treatment facility (IWWTF) that provides sewage service exclusively to a chicken-processing complex owned and operated by Foster Poultry Farms, a California corporation. The IWWTF treats poultry processing wastewater in a series of unlined ponds. Treated wastewater is discharged to percolation ponds and recycled on lands owned by Foster Poultry Farms. Deficiencies in IWWTF design and maintenance have adversely impacted groundwater and impaired its beneficial uses. The City proposed an IWWTF upgrade project that features biological nitrogen removal and continued discharge to existing percolation ponds, which will also in time restore groundwater quality for beneficial uses. The schedule for the project has been delayed. The Regional Water Board will consider a cease and desist order to impose a time schedule requiring the completion of the IWWTF upgrades within the next two years.

A public hearing concerning this matter will be held during the Regional Water Board meeting, which is scheduled for:

DATE: 26/27 October 2006
TIME: 8:30 a.m.
PLACE: 11020 Sun Center Drive, #200
Rancho Cordova, California

The designated parties for this hearing are as follows:

- Staff of Central Valley Regional Water Board
- City of Livingston
- Foster Poultry Farms

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Board no later than **2 October 2006**. The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge.

Persons wishing to comment on this noticed hearing item must submit testimony, evidence, if any, and/or comments in writing to the Regional Water Board no later than **2 October 2006**. Written evidence or comments submitted after **2 October 2006** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All designated parties and interested persons may speak at the Regional Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair

Anyone having questions on this tentative cease and desist order should contact Ms. Alexis Phillips-Dowell at (559) 445-5500. Interested parties may download the proposed Order and related documents from the Regional Water Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/>. Copies of these documents can also be obtained by contacting or visiting the Regional Water Board's office at 1685 E Street, Fresno, California 93706 on weekdays between 8:00 a.m. and 5:00 p.m.

The procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, section 647 et seq. and are available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/water_laws/. Information on meeting and hearing procedures is also available on the Regional Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_meetings/mtgprocd.html or by contacting any one of the Board's offices. Questions regarding such procedures should be directed to Ms. Janice Tanaka at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

LOREN J. HARLOW, Assistant Executive Officer

13 October 2006