

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

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AMENDING ORDER R5-2020-0019

Amendment of Waste Discharge Requirements Order R5-2011-0049



ORDER INFORMATION

Order Type:	Amendment of Existing Waste Discharge Requirements
Status:	Tentative
Program:	Land Disposal (Title 27)
Region 5 Office:	Redding
Discharger(s):	Butte County
Facility:	Neal Road Class III Municipal Solid Waste Landfill
Address:	1023 Neal Road, Chico California
County:	Butte
GeoTracker ID / WDID:	L10004555712
Prior Order(s):	R5-2011-0049

I, PATRICK PULUPA, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 16 April 2020.

PATRICK PULUPA,
Executive Officer

FINDINGS

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) hereby finds as follows:

1. On 10 June 2011, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2011-0049 revising WDRs for the Neal Road Class III Municipal Solid Waste Landfill and Class II Surface Impoundments (Neal Road Landfill). WDR Order R5-2011-0049 permitted the discharge of waste to the Class II surface impoundments and Class III landfills, and permitted the construction, operation, closure, post-closure maintenance, and corrective action at the Neal Road Landfill
2. Order R5-2011-0049 established an engineered alternative design to the prescriptive standard liner. Butte County (Discharger) had demonstrated that the prescriptive design was unreasonably and unnecessarily burdensome and would cost substantially more than an alternative that met the criteria contained in California Code of Regulations, title 27 (Title 27) section 20080, subsection (b).

The Discharger also demonstrated that the proposed engineered alternative liner system was consistent with the performance goal addressed by the prescriptive standard, and provides protection against water quality impairment equivalent to the prescriptive standard in accordance with Title 27 section 20080, subsection (b)(2).

3. Following a tentative amendment and 30-day public comment period, Order R5-2011-0049 was amended to allow for a different alternative engineered liner design. Additional text related to expansion of the landfill and other modifications of existing facilities were not included and will be addressed in revised WDRs during the 2020/2021 fiscal year. The tentative amended WDRs Order R5-2011-0049 is provided as Attachment 1.
4. Issuance of this Order for an existing facility is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resource Code section 21000, et seq., and the CEQA guidelines, in accordance with Title 14, section 15301, since this Order only serves to modify a WDR Order.
5. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend the WDR Order R5-2011-0049, and has provided them with an opportunity to submit their written views and recommendations.

REQUIREMENTS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that Waste Discharge Requirements Order R5-2011-0049 is hereby amended as follows.

1. Waste Discharge Requirements Order R5-2011-0049 is amended in order to:
 - 1) modify the engineered alternative liner design, and 2) to amend the Order as shown in underline/strikeout format in Attachment 1 to this order. **Effective immediately upon adoption**, Order R5-2011-0049 is amended in items 1.a through 1.b below.
- a. Change the Order number throughout to R5-2011-0049-01.
- b. SIGNATURE PAGE. Modify the paragraph above the signatory line on the Signature Page as shown in underline format below:

I, Patrick Pulupa, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 10 June 2011, and amended by Order R5- 2020-0019 on 16 April 2020.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. [Copies of the law and regulations](#) applicable to filing petitions are available on the Internet (at the address below) and will be provided upon request.

(http://www.waterboards.ca.gov/public_notices/petitions/water_quality)