

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2022-0029

MODIFYING WASTE DISCHARGE REQUIREMENTS ORDER R5-2011-0061  
FOR  
MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY  
FOR  
OPERATION  
BILLY WRIGHT SOLID WASTE LANDFILL  
MERCED COUNTY

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

1. The Billy Wright Solid Waste Landfill (Facility) is owned and operated by Merced County Regional Waste Management Authority (hereafter referred to as Discharger). The Facility is regulated under Waste Discharge Requirements Order R5-2011-0061, which is amended by this Order. Order No. R5- 2011-0061 remains intact and applicable in all other aspects. The Facility is approximately eight miles west of the City of Los Banos and one mile south of Highway 152.
2. The total permitted area is approximately 172.7 acres; however, 101.8-acres comprises the landfill footprint. The landfill consists of one active unlined waste management unit (WMU) covering 39.8 acres (Phase 1), two active composite-lined WMUs (Phase 2A and 2B), and one proposed composite-lined WMU (Phase 2C). All of Phase 2 covers 24.8 acres. Phase 3 is planned for future expansion and will cover 37.2 acres. Proposed discharges of treated wood waste are to Phases 2A and 2B, which are lined with an engineered alternative composite liner system with a leachate collection and removal system (LCRS).
3. The Facility is currently regulated by Waste Discharge Requirements (WDRs) Order R5-2011-0061, which prescribes requirements for operation and construction.
4. Assembly Bill 332 (AB332), Committee on Environmental Safety and Toxic Materials, Hazardous waste: treated wood waste: management standards (AB332) was approved by Governor Newsom on 1 August 2021 and was effective immediately. AB332 includes new alternative management standards for treated wood waste (TWW) and amends and renumbers portions of Section 25150.8 of the Health and Safety Code. It also adds Article 11.2 (commencing with Section 25230) to Chapter 6.5 of Division 20 of the Health and Safety Code.
5. The Discharger submitted documentation, dated 14 October 2021, amending the Joint Technical Document (JTD) proposing to accept TWW at the Facility, in accordance with Health and Safety Code section 25230 et seq., and AB332. The

JTD was determined to be adequate and their permit was modified by the Merced County Local Enforcement Agency through approval of a JTD Amendment application on 17 November 2021.

6. Health and Safety Code, section 25150.7, defines “treated wood” to mean wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 and following). This may include but is not limited to waste wood that has been treated with chromated copper arsenate (CCA), pentachlorophenol, creosote, acid copper chromate (ACC), ammoniacal copper arsenate (ACA), ammoniacal copper zinc arsenate (ACZA), or chromated zinc chloride (CZC).
7. Assembly Bill 332 and Health and Safety Code section 25230 et seq. allows TWW to be discharged to a composite-lined portion of a municipal solid waste landfill that is regulated by WDRs issued pursuant to the Water Code.
8. This Order modifies Order No. R5-2011-0061 by adding additional discharge specifications for the discharge of treated wood waste to the composite-lined WMUs. Order R5-2011-0061 remains intact and applicable in all other aspects.

### **CEQA AND OTHER CONSIDERATIONS**

9. The issuance of this Order allows the composite-lined WMUs that are equipped with a LCRS to receive TWW. The Facility has already been fully permitted and there are no significant environmental impacts that should occur as a result of allowing TWW to be discharged to the composite-lined WMUs. Therefore, the approval of this Order is exempt from the provisions of the California Environmental Quality Act, (Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15301.

### **PROCEDURAL REQUIREMENTS**

10. All local agencies with jurisdiction to regulate land use, solid waste disposal, air pollution, and to protect public health have approved the use of this site for the discharges of waste to land stated herein.
11. The Central Valley Water Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

12. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the modification of WDRs Order R5-2011-0061.

IT IS HEREBY ORDERED, pursuant to California Water Code Sections 13263 and 13267, that the requirements of WDRs Order R5-2011-0061 is modified as follows:

Discharge Specifications B.5 and B.6 are added to read as:

#### **B. DISCHARGE SPECIFICATIONS**

5. The Discharger shall discharge treated wood wastes only to landfill units equipped with a composite liner system and a leachate collection and removal system. If a verified release is detected from the waste management unit where treated wood is disposed, the disposal of treated wood shall be terminated at the unit with the verified release until corrective action ceases the release.
6. The Discharger shall manage treated wood waste in accordance with California Health and Safety Code sections 25230 et seq. and Assembly Bill 332.

If, in the opinion of the Executive Officer, the Dischargers fail 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. To be timely, the petition must be received by the State Water Board by 5:00 pm 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 pm on the next business day. The law and regulations applicable to filing petitions are available on the [State Water Board website](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)). Copies will also be provided upon request.

I, PATRICK PULUPA, Executive Officer, do hereby certify that 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 21 April 2022.

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PATRICK PULUPA, Executive Officer