

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

**PUBLIC HEARING**

concerning

**TENTATIVE TIME SCHEDULE ORDER AND WASTE DISCHARGE REQUIREMENTS  
ORDER R5-2022-XXXX  
FOR  
CITY OF ATWATER  
FOR  
THE COMPLETION OF AN EVALUATION MONITORING PROGRAM AND  
TO PRESCRIBE POST-CLOSURE MAINTENANCE REQUIREMENTS  
BERT CRANE ROAD LANDFILL  
MERCED COUNTY**

The City of Atwater (hereafter referred to as Discharger) owns and maintains the Bert Crane Road Landfill (Facility), which is located approximately five miles south of the City of Atwater in Merced County. The Facility is situated on a 102-acre property and consists of one existing 18-acre unlined waste management unit. The Facility ceased accepting waste prior to 27 November 1984 and is considered a Closed, Abandoned, or Inactive (CAI) Unit. Since CAI Units ceased accepting waste prior to 9 October 1991, they are not subject to the federal municipal solid waste regulations promulgated under Title 40, Code of Federal Regulations, Part 258 (Subtitle D). The Facility is currently regulated by Waste Discharge Requirements (WDRs) Order 5-01-096. The Tentative Time Schedule Order and WDRs Order R5-2022-XXXX were updated as part of a policy of administrative review and to order the completion of an Evaluation Monitoring Program. The proposed order updates the existing Waste Discharge Requirements Order 5-01-096.

A public hearing concerning this matter will be held during the Central Valley Regional Water Quality Control Board (Central Valley Water Board) meeting, which is scheduled for:

DATE: 17 and 18 February 2022  
TIME: 9:00 a.m.  
PLACE: Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

This public meeting is currently scheduled to take place in-person and via video and teleconference, but the format may be changed in the future. Any person wishing to obtain information about changes to the date, time, location, or format of the meeting should visit the [Board's website](https://www.waterboards.ca.gov/centralvalley/board_info/meetings) (https://www.waterboards.ca.gov/centralvalley/board\_info/meetings). The final meeting agenda will be available on the Board's website at least 10 days before the meeting. The agenda will provide the location and format of the meeting, the anticipated date the hearing will be held for this item, and the anticipated order of all agenda items; however, the Board may consider agenda items out of their listed order. The agenda materials may also

include staff revisions to the proposed order. Please visit our website for information on [How To Participate In Online Meetings](#) ([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/2006/#howto](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/2006/#howto) attend). The designated parties for this hearing are as follows:

- City of Atwater

Designated parties, but not interested persons, will have these rights: to call and examine witnesses; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. Central Valley Water Board staff will prepare the administrative record, and may present evidence, make an oral presentation and cross-examine opposing witnesses.

**Interested persons may** not cross examine witnesses and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eye-witness testimony, monitoring data) if the evidence is submitted in accordance with the deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water Board by 5:00 p.m. on **6 January 2022**. The request must explain the basis for status as a designated party and in particular how the person is affected by the discharge. The tentative Waste Discharge Requirements were issued on **6 December 2021**. Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than by 5:00 p.m. on **6 January 2022**. Written materials submitted after 5:00 p.m. on the above date will not be accepted and will not be incorporated into the administrative record absent a ruling by the Central Valley Water Board Chair. A party requesting to submit late materials must demonstrate good cause for the late submission, and the Central Valley Water Board Chair must find that the late submission would not prejudice the Central Valley Water Board or any designated party.

All designated parties and interested persons may speak at the Central Valley Water Board meeting and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Central Valley Water Board Chair. Both designated parties and interested persons may be asked to respond to clarifying questions from Central Valley Water Board members, counsel staff or others, at the discretion of the Central Valley Water Board.

For a copy of the tentative waste discharge requirements and its related documents or if anyone has any questions regarding the tentative waste discharge requirements, please contact Elizabeth Welch at (559) 445-6127 or by email at [Elizabeth.Welch@waterboards.ca.gov](mailto:Elizabeth.Welch@waterboards.ca.gov). Copies of these documents can also be obtained by contacting or visiting the office of the Central Valley Water Board at 1685 E Street, Fresno, weekdays between 8:00 a.m. and 5:00 p.m. by appointment.

The final meeting agenda will be available on the [Central Valley Water Boards Agenda Calendar web page](http://www.waterboards.ca.gov/board_info/agendas/) ([http://www.waterboards.ca.gov/board\\_info/agendas/](http://www.waterboards.ca.gov/board_info/agendas/)), at least ten days before the meeting.

The agenda will provide the dates the Central Valley Water Board meeting will be held, indicate the anticipated order of agenda items, and may include staff revisions to the proposed order(s).

The procedures governing Central Valley 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 Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained on the [Waterboards' Law and Regulations web page](http://www.waterboards.ca.gov/laws_regulations/) ([http://www.waterboards.ca.gov/laws\\_regulations/](http://www.waterboards.ca.gov/laws_regulations/)). Information on meeting and hearing procedures is also available on the [Central Valley Water Board's Meeting Procedured web page](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml) ([http://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/mtgprocd.shtml](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml)) or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Mindy Maxwell at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Mindy Maxwell 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.

*Original Signed by:* \_\_\_\_\_  
CLAY L. RODGERS, Assistant Executive Officer

12/06/2021  
EAW