

Regional Water Quality Control Board  
Central Valley Region Board Meeting  
10/11 August 2023

Response to 1st Set of Written  
Comments for the Forward Landfill, Inc.

Tentative Waste Discharge Requirements

At a public hearing scheduled for 10/11 August 2023, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of revised Waste Discharge Requirements (WDRs) for Forward Landfill in San Joaquin County. This document contains responses to written comments received from interested persons regarding the tentative WDRs circulated on 25 March 2022. Written comments were required by public notice to be received by the Central Valley Water Board by 25 April 2022 to receive full consideration. Public comments were received from Lynch Road Ranch, LLC and Forward Landfill, Inc. (Discharger) on 25 April 2022.

On 23 March 2022, during the public comment time period, the Discharger notified the Central Valley Water Board that liquid was present in the unsaturated zone monitoring device beneath the F-West Class II Surface Impoundment that could indicate a potential release. Central Valley Water Board staff determined that the tentative WDRs should be delayed until more information was available regarding a potential release from the surface impoundment and a plan in place to repair the waste management unit. Changes have been made to the new Tentative WDRs to document the investigation and repair process for the surface impoundment.

Additionally, changes have been made to these new tentative WDRs to address issues related to the disposal of cannery waste at the site.

Based on the comments submitted by interested parties and changes made to address the issues above, substantial changes have been made to the previously posted tentative WDRs and therefore the updated tentative WDRs must be re-noticed for an additional 30-day public comment period.

Written comments received on 25 April 2022 are summarized below, followed by responses from Central Valley Water Board staff.

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**LYNCH ROAD RANCH LLC COMMENTS**

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**COMMENT NO. 1:**

Dear Mr Bradford, please accept the following comments and concerns related to Subject Draft Tentative WDR's on behalf of Lynch Road Ranch, LLC for consideration: I

appreciate that the Board of Supervisors decided to vote down the expansion of the Republic Services Forward Landfill, however the expansion of their processing capabilities in the same footprint is just as harmful. I think that the RWQCB should consider putting on hold the expansion of processing capabilities of the Republic Services Forward Landfill.

I own an adjacent orchard and I am very concerned with toxin intrusion into my property and how that will affect my well water, my health and my crops. It only makes sense that his expansion in processing is going to increase the amount of waste water discharge, because the root cause of the prior and current spills and leaks has not been mitigated.

**RESPONSE:**

The revised WDRs, following the regulations listed under Title 27, are in place to protect public health, safety, and the environment. Existing releases are being addressed through the facility's Corrective Action Program and Cleanup and Abatement Order R5-2017-0703 (CAO). The CAO requires the discharger to fully delineate the vertical and lateral extent of the groundwater contamination plume, install enhanced corrective action measures such that no volatile organic chemicals will be present in groundwater beyond the landfill boundaries, and to enhance its groundwater treatment system. Additionally it should be noted that these releases are from what is referred to as the Austin Road Unit at the facility. The Austin Road Unit is a historic trench and fill landfill that does not have a containment system or leachate removal system like a modern landfill. Any new waste management units permitted by the Central Valley Water Board or other discharges are subject to modern standards and regulations.

**COMMENT NO. 2:**

The answer is not adding more testing but adding more extraction and cleanup wells/sites, unless the discharges have expanded beyond the boundary of the current testing (that's a separate and additional issue which would require more test sites).

**RESPONSE:**

As noted in the Response to Comment No. 1, Forward Landfill is subject to all the requirements put in place by the CAO, which specifically requires enhanced corrective action measures. To address downgradient groundwater contamination the Discharger is conducting an Interim Remedial Action that includes the installation of 4 extraction wells, 6 piezometers, and 3 groundwater monitoring wells on the adjacent CDCR property. New groundwater extraction well CDCR EW-1 was installed on 5 May 2022. The Interim Remedial Action is expected to be operational by Summer 2023 based on the latest schedules submitted by the Discharger. Forward Landfill submits Quarterly Corrective Action Program updates as specified in Cleanup and Abatement Order (CAO) R5-2017-0703. Per the CAO, the submitted reports shall "describe all work completed during the previous calendar quarter to comply with [the] Cleanup and Abatement Order and describe any violations of this Order."

**COMMENT NO. 3:**

As an analogy, if you have a leak in your 50 gallon bathtub upstairs and it is destroying the room below it, do you fix the leak or do you add another 50 gallons of water to it and increase the rate of water you are using to refill it?

**RESPONSE:**

As noted in the Response to Comment No.1, existing releases at the facility addressed by the CAO include releases from the historic Austin Road Unit. Any new waste management units permitted by the Central Valley Water Board or other discharges are subject to modern standards and regulations.

**COMMENT NO. 4:**

The poor to outright disastrous record for water and toxin discharge should be a massive warning sign to repeal this increase in processing at this facility.

**RESPONSE:**

New units permitted under the revised tentative WDRs are Class II units under Title 27 and therefore require full containment of wastes.

**COMMENT NO. 5:**

I am also concerned with these discharges into Littlejohns creek and the effect that will have on downstream water quality.

**RESPONSE:**

The revised WDRs do not permit any discharges to Littlejohns Creek.

**COMMENT NO. 6:**

Republic Services Forward facility have shown little regard to adhere to the clean-up and abatement orders issued to them by the RWQCB. This has resulted in numerous occurrences of leaks into our groundwater system that have made many wells of adjacent properties unusable. How many contaminated wells is too many? How many lives are you willing to put at risk? How much land are you willing to contaminate? The previous records of the violations, especially the ground water leaks are of particular concern found on GeoTracker. The increase in processing capabilities is just going to exacerbate an already horrible problem.

**RESPONSE:**

See response to Comment No. 1 and No. 4. Additionally, the CAO includes requirements to identify and sample all domestic and municipal wells that are located within the area bounded by Highway 99 to the west, South Jack Tone Road to the east,

2,500 feet north of Arch Road, and south to the South Fork of South Little John's Creek. To date no impacts due to releases from the landfill have been found from any of these wells.

**COMMENT NO. 7:**

Please consider the following comments/concerns:

- Republic Services Forward Landfill has continued to not comply with specified cleanup and abatement ordered dates and the releases and emissions continue at a pace inconsistent with the objective to clean up and have zero emissions by 2023.

**RESPONSE:**

Central Valley Water Board staff continue to meet with the Discharger regularly, and the Discharger is providing weekly updates regarding the installation of the offsite Interim Remedial Action. Current estimates indicate that a groundwater extraction system will be operational by Summer 2023. One groundwater extraction well, two piezometers, and three groundwater monitoring well have already been installed to date.

**COMMENT NO. 8:**

- There are not enough extraction wells to adequately mitigate what is occurring now, let alone with increased processing. - More extraction wells should be installed.

**RESPONSE:**

See previous responses to comments regarding compliance with the CAO.

**COMMENT NO. 9:**

- The Waste Discharge Requirements should be stricter.  
- Greater Penalties and fines should be issued to persuade Republic Services

Forward Landfill to get back on schedule.

**RESPONSE:**

As stated in the CAO and Water Code section 13350, violations of a cleanup and abatement order are subject to imposition of administrative civil liability of \$5,000 per day of violation (\$15,000 per day if assessed by a court).

**COMMENT NO. 10:**

- Permit to handle waste should be withdrawn until compliance is reached, not increasing scope. - They should not be allowed to expand processing capabilities until they clean up the previous leaks and prove that the increase in processing will not allow

for more leaks.

**RESPONSE:**

See response to comment No. 4.

**COMMENT NO. 11:**

Additionally, the fact that you are considering adding greater processing capabilities to this facility is disturbing, considering how bad the wastewater leaks are now. The groundwater water quality impact is far reaching. Stockton and the entire Delta region has an extremely large and economically important (Delta Inland Port Project) occurring:

<https://www.fresnobee.com/opinion/readers-opinion/article260020930.html>

The release/leaks of the contaminants into the groundwater will have a significant impact on this project. I have discussed with Greg Schlick of the Delta Region Area Wide Aquatic Weed Project (DRAAWP). He stated that the impacts of these releases are very problematic to the rate of growth and total biomass of Floating Aquatic Vegetation (FAV). FAV is already a major concern for this project. FAV growth rate increases exponentially within the delta due to decreases in water quality and the impacts of these releases from landfills is of serious concern, especially ones that continue to occur with little or no consequence.

**RESPONSE:**

See response to comment No.4.

**COMMENT NO. 12:**

Additionally, the increase in process will likely cause an increase in leaks (the holes have not been fixed) and will cause even more nutrient load into the region. This is a serious water quality concern for local and downstream localities.

<https://ucanr.edu/sites/DRAAWP/>

**RESPONSE:**

See response to comment No.4.

**COMMENT NO. 13:**

Bottomline, is the the people living in this region whose wells have been compromised, those whose agricultural land has been contaminated or at risk of contamination and the serious impact of water quality in the delta that could impact a \$15 Billion dollar project should be enough evidence that Republic Services Forward Landfill processing increase proposal should be put on hold or rejected outright.

**RESPONSE:**

See response to comment No.6.

**COMMENT NO. 14:**

Additionally, Republic Services Forward Landfill should redouble their efforts to mitigate the current leaks, spills and emissions that have occurred and are occurring continuously since this facility opened. I appreciate your time and effort in reviewing and considering these comments.

**RESPONSE:**

Central Valley Water Board staff appreciate your input. The Discharger and Water Board staff are actively working through to restore beneficial uses to groundwater in the vicinity of the facility.

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**FORWARD LANDFILL, INC. COMMENTS**

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**COMMENT NO. 15:**

(WDR Table 1, Pg 4,5). WMU ART-03, FU-04 North, FU-05 North, FU-06 North, FU-08 North do not have 60-mil HDPE on Austin top deck area

**RESPONSE:**

Table 1 has been updated per comment.

**COMMENT NO. 16:**

(WDR Table 1, Pg 7). Phase 1 is NE Area.

**RESPONSE:**

Phase 1 correctly referenced in Table 1. Phase 1 is referencing the northeastern corner of the Facility.

**COMMENT NO. 17:**

(WDR Table 1, Pg 7). There are two planned leachate ponds as shown on WDR Attachment G. One in WMU F-South area and one in entrance area.

**RESPONSE:**

The leachate pond near the entrance area has been added to Table 1 as WMU F-East.

**COMMENT NO. 18:**

(WDR Finding 23, Pg 11). Clarify the last sentence to indicate that there are currently no active soil Land Treatment Units (LTUs) at the site. Soil LTUs are no longer permitted on the site. Land application and treatment of cannery wastes are still allowed as discussed elsewhere in the WDRs and MRP.

**RESPONSE:**

Finding 23 language updated to clarify that soil LTUs are no longer permitted.

**COMMENT NO. 19:**

(WDR Finding 24/27, Pg 11/12). Limited Reuse Soils and Unlimited Reuse Soils can also be used for cover, but are considered beneficial reuse and not ADC.

**RESPONSE:**

Discharger to provide additional clarification on comment.

**COMMENT NO. 20:**

(WDR Finding 29, Pg 12). There are two planned leachate ponds as shown on WDR Attachment G. One pond is in the WMU F-South area and one pond is in entrance facility area.

**RESPONSE:**

The leachate pond near the entrance area has been added to Table 1 as WMU F-East.

**COMMENT NO. 21:**

(WDR Finding 29.e, Pg 12). Previously approved discharges by RWQCB also include well abandonment water, surface water from Rancho Cordova Facility, landfill gas condensate from Foothill Landfill

**RESPONSE:**

All previous approvals outside of the WDRs are still active, unless rescinded by Board staff.

**COMMENT NO. 22:**

(WDR Finding 30, Pg 13). Typo - wording should be "sited and designed"

**RESPONSE:**

Finding language updated.

**COMMENT NO. 23:**

(WDR Finding 31, Pg 13). Is any further information required to finalize coverage for compost facility under the Compost General Order? Will NOA be filed before new WDRs issued so there is no lapse in coverage?

**RESPONSE:**

The NOA will be filed before new WDRs are issued. The composting facility will be covered under the Compost General Order.

**COMMENT NO. 24:**

(WDR Finding 35, Pg 14). There are 2 residences within 1/2 mile instead of 3. The residence that was across the street from the landfill entrance was demolished.

**RESPONSE:**

Finding updated number of residences to include the residences on Newcastle Road.

**COMMENT NO. 25:**

(WDR Table 2, Pg 15). Return period should be 1000 years.

**RESPONSE:**

Table 2 has been updated.

**COMMENT NO. 26:**

(WDR Table 3, Pg 16). 7833-MW-01, -02, -03, and -04 are listed under Corrective Action Program but should not be part of WDR/MRP because impacts at 7833 Newcastle are due to localized source and not a result of VOCs migrating from Forward Landfill.

**RESPONSE:**

Additional information and data for monitoring wells 7833-MW-01, -02, -03, and -04 is needed support hypothesis. The Discharger will continue to work with CVRWQCB in delineating the water quality impact to wells 7833-MW-01, -02, -03, and -04.

**COMMENT NO. 27:**

(WDR Table 3, Pg 16). AMW-24R missing; are the water-bearing zones correct? See Table 2.

**RESPONSE:**

AMW-24R added to Table 1. Water bearing zones has been corrected and updated.



**COMMENT NO. 28:**

(WDR Requirements 51, H.3). Means a Civil PE or CEG stamp, but not regular PG stamp?

**RESPONSE:**

Yes, the reports required by the WDRS (not the MRP) are associated with fixed works and/or engineering geology issues and not hydrogeologic issues. Civil PE or CEG stamp required.

**COMMENT NO. 29:**

(WDR Finding 48, Pg 17/42). Submittal of a Point of Compliance Monitoring Well Data Gap Report by 20 Sept 2022. Recommend including AMW-1, AMW-4, AMW-6, AMW-7, AMW-38S, and AMW-39S as POC wells.

**RESPONSE:**

AMW-1, -4, -6, -7, -38S, and -39S do not provide sufficient coverage in the northeast corner of the site. New monitoring wells will need to be installed.

**COMMENT NO. 30:**

(WDR Table 3, Pg 17). Residential Domestic Wells listed under Correction Action Program in the Tentative WDR. These wells are currently sampled under directive in CAO and the data indicate that they have not been affected by a

release from the landfill and should not be included in the more frequent and rigorous reporting program proposed in the Tentative WDR. See Table 3 and 4.

**RESPONSE:**

The Residential Domestic Wells shall follow the current reporting guidelines found in the Domestic Well Sampling and Analysis Plan (SAP) that was submitted on May 25, 2017. The SAP was submitted in accordance with Task 1.b of CAO R5-2017-0703. Finding 61 was updated that the Discharger is required to sample and report domestic supply wells in accordance with the CAO. The addition of these wells in the Tentative WDRs does not increase the frequency of reporting or sampling method.

**COMMENT NO. 31:**

(WDR Finding 50, Pg 17). RWQCB advised during WMU FU-19 design to not include suction cup lysimeters under the sump and to just include the pan lysimeter. Therefore WMU FU-19 does not have suction cup lysimeters and they

are not planned to be installed in future WMUs.

**RESPONSE:**

Language for Finding 51 has been updated to discuss the discontinued use of suction lysimeters.

**COMMENT NO. 32:**

(WDR Table 4, Pg 17-18). Last 2 rows list Forward as Monitored Unit. Should it be Austin?

**RESPONSE:**

The monitoring unit will now be referred to as "Forward" since the addition of WMU FU-19 connects old Forward and old Austin Road together.

**COMMENT NO. 33:**

(WDR Finding 55-70, Pg 19-22). Please add the following item after Finding 70. "The discharger has worked with and is continuing to work with the RWQCB to resolve the above listed NOVs and enforcement orders."

**RESPONSE:**

The administrative record includes documentation for resolving the various NOVs that have been issued. This comment does not need to be included in the WDRs.

**COMMENT NO. 34:**

(WDR Finding 73, Pg 22). Please clarify how soil-pore liquid data is to be obtained and tested if base of WMU is not in capillary zone?

**RESPONSE:**

Reference Title 27 Section 20415 for additional information. A monitoring system shall comply with the provisions set in Title 27. Unsaturated zone monitoring is required at all new Units unless the discharger demonstrates to the satisfaction of the RWQCB that there is no unsaturated zone monitoring device or method designed to operate under the subsurface conditions existent at that Unit.

**COMMENT NO. 35:**

(WDR Finding 76, Pg 22). Should the reference be to Finding 74?

**RESPONSE:**

Updated to correct reference.

**COMMENT NO. 36:**

(WDR Finding 82, Pg 23). Intermediate liner is also included on WMUs D-94, D-97, D-98, D-99, and D-00.

**RESPONSE:**

The additional WMUs have been added to Finding 83.

**COMMENT NO. 37:**

(WDR Finding 96, Pg 26). Reference should be to Table 6

**RESPONSE:**

Updated to correct reference.

**COMMENT NO. 38:**

(Requirements Table 8, Pg 32). MSW should be allowed to be disposed in Class III WMUs.

**RESPONSE:**

Updated to correct reference.

**COMMENT NO. 39:**

(Requirements Table 8, Pg 33). Inert waste should be allowed to be disposed in Class III WMUs.

**RESPONSE:**

Table 10 has been updated to include inert waste to be allowed in Class III WMUs.

**COMMENT NO. 40:**

(Requirements Table 8, Pg 33). ACW should be allowed to be disposed in Class III WMUs.

**RESPONSE:**

Table 10 has been updated to include asbestos-containing waste (>1%) to be allowed in lined Class III WMUs.

**COMMENT NO. 41:**

(Requirements Table 8, Pg 33). TWW should be allowed to be disposed in appropriately lined Class III WMUs.

**RESPONSE:**

Table 10 has been updated to include treated wood waste to be allowed in lined Class III WMUs.

**COMMENT NO. 42:**

(Requirements B.6, Pg 35). Can leachate and LFG condensate from a WMU be discharged to other similarly lined WMUs?

**RESPONSE:**

Leachate and LFG condensate from a WMU can be discharged to other similarly lined WMUs if it is pre-approved in writing by the Central Valley Water Board.

**COMMENT NO. 43:**

(WDR Table 9, Pg 43). Can RWQCB comments be provided on September 3, 2021 submittal?

**RESPONSE:**

Board staff will be providing comments to the "Settlement Analysis for the Austin Unit" report submitted September 3, 2021.

**COMMENT NO. 44:**

(WDR Attachment D, Pg 48). Arcadis to send most recent version of Figure 1

**RESPONSE:**

Noted, Attachment D will be updated once Arcadis provides an updated Monitoring Network Map.

**COMMENT NO. 45:**

(WDR Attachment E Table 3, Pg 49/50). The table should be titled sump and pan lysimeter; sump foundation layer should be 6-inch compacted soil

**RESPONSE:**

Attachment E, Table 3 header has been updated. Sump foundation layer has been updated.

**COMMENT NO. 46:**

(WDR Attachment E Table 3, Pg 50). Table should be titled sump and pan lysimeter; sump foundation layer should be 6-inch compacted soil

**RESPONSE:**

This note applies to Table 3, not Table 4. See response to comment 45.

**COMMENT NO. 47:**

(WDR Attachment G, Pg 52). Area south of NE expansion is Phase 2 and not Phase 3

**RESPONSE:**

The area south of Phase 1 will now be considered Phase 2.

**COMMENT NO. 48:**

(WDR Attachment H, Pg 53). Tentative WDR does not clarify if reporting via a separate report or if it will be part of the Quarterly Water Quality Monitoring Report? VOCs only?

**RESPONSE:**

The Residential Domestic Wells shall follow the current reporting guidelines found in the Domestic Well Sampling and Analysis Plan (SAP) that was submitted on May 25, 2017. The SAP was submitted in accordance with Task 1.b of CAO R5-2017-0703.

**COMMENT NO. 49:**

(MRP Table 1, Pg 14). Austin Unit and Forward Unit no longer separated out?

**RESPONSE:**

Forward will now be referred to as one unit since the addition of WMU FU-19 connected old Forward and old Austin Road together.

**COMMENT NO. 50:**

(MRP Table 1, Pg 14-15). AMW-24R Missing; Water-bearing zones correct?

**RESPONSE:**

AMW-24R added to Table 1. Water bearing zones updated.

**COMMENT NO. 51:**

(MRP Table 6, Pg 19). Last 2 rows list Forward as Monitored Unit. Should be Austin?

**RESPONSE:**

Forward Landfill will be considered as one unit.

**COMMENT NO. 52:**

(MRP Finding 4.g, Pg 27-28). Concentration Limits recalculated 4Q2021; if required

every 2 years, do we start in 2023?

**RESPONSE:**

Yes, since concentration limits were recalculated in 4Q2021 then the next round of updated concentration limits should be submitted in 2023.