

Central Valley Regional Water Quality Control Board
Central Valley Region Board Meeting
16 February 2024
Response to Comments for the Forward Landfill

Tentative Waste Discharge Requirements

At a public hearing scheduled for 16 February 2024, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of revised Waste Discharge Requirements R5-2024-XXXX (WDRs) for Forward Landfill in San Joaquin County. This document contains a summary of responses to written comments received from interested persons regarding the Tentative WDRs circulated on 25 March 2022, 07 June 2023, and 09 October 2023. Written comments were required by public notice to be received by the Central Valley Water Board by 25 April 2022, 07 July 2023, and 09 November 2023, respectively, to receive full consideration. Public comments were received from Lynch Road Ranch, LLC and Forward, Inc. (Discharger) during all three tentative public comments periods.

The Board drafted written responses to the comments that were submitted during the public comment periods. In a comment letter from July 2023, a commenter expressed that the multiple written response to comments documents indicated that the Board “had something to hide.” To clarify the Board’s responses, this document presents the Board staff’s responses to all of the comments submitted across the three comment periods.

FORWARD LANDFILL, INC. COMMENTS

Forward, Inc. submitted comments via email on 25 April 2022, 07 July 2023, and 09 November 2023. The following comments are Central Valley Water Board staff response to comments that are posted online on 20 June 2023 (RTC #1), 09 October 2023 (RTC #2), and 05 December 2023 (RTC #3).

CENTRAL VALLEY WATER BOARD RTC #1 (COMMENT NO. 15 – 52)

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.

CENTRAL VALLEY WATER BOARD RTC #2 (COMMENT NO. 15 – 31)

COMMENT NO. 15:

(WDR Glossary, Pg vii). LFG refers to landfill gas condensate but this acronym typically refers to landfill gas.

RESPONSE:

The glossary term has been updated to reflect landfill gas instead of landfill gas condensate.

COMMENT NO. 16:

(WDR Finding 34, Pg13). Allow excess cannery rinse water to be discharged to future surface impoundments.

RESPONSE:

The finding regarding excess cannery rinsate has been updated from Finding 34 to Finding 87. Finding 87 has been rewritten to include future surface impoundment for cannery rinse water discharge.

COMMENT NO. 17:

(WDR Finding 37, Pg 14). An updated figure was prepared that shows half-mile radius, see Figure 1. Also, it appears there is 1 residence on Austin Rd and 3 residences on Newcastle Rd within 1/2 mile of the facility boundary rather than the 2 residences on Austin and 5 residences on Newcastle noted in the Finding. Please note that the former residences at 9690 Austin Rd was demolished several years ago.

RESPONSE:

Based on discussions with the Discharger, six residences are located within the half-mile radius of the facility boundary. Finding 36 (previously Finding 37) has been updated to reflect this change.

COMMENT NO. 18:

(WDR Finding 48, Pg 16). See updated Figure 2 for Attachment D.

RESPONSE:

The updated monitoring point map provided shall be used as Attachment D.

COMMENT NO. 19:

(WDR Finding 51, Pg 17). Suction cup lysimeters were also used under pan lysimeters since 2001 but discontinued starting with WMU FU-19. The statement that the landfill units built above old Austin Road have a suction cup lysimeter in addition to pan lysimeter is incorrect. All of the leachate from the units above old Austin Road landfill drain to the Subtitle D cells located to the south of the old Austin landfill.

RESPONSE:

Finding 50 (previously Finding 51) has been reworded to specify which waste management units utilized the combination of suction cup lysimeters and pan lysimeters.

COMMENT NO. 20:

(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.

RESPONSE:

The Residential Domestic Wells listed in Table 3 and Attachment H are directly from the CAO and can only be removed once the CAO is rescinded. A note will be added to Table 3 to highlight this point. The addition of these wells in the Tentative WDRs and MRP does not require an increase in the frequency of reporting or sampling method beyond what has been established by the conditions of the CAO.

COMMENT NO. 21:

(WDR Finding 83, Pg 24). Intermediate liners are also on WMUs FU-10, FU-13, and FU-17

RESPONSE:

Finding 81 (previously Finding 83) and Attachment E will be updated to include WMU FU-10, FU-13 and FU-17 as waste management units that utilize the intermediate liner design.

COMMENT NO. 22:

(WDR Finding 92, Pg 26-27). Please allow for 120 days following the issuance of the WDRs for opting into the SCP and NCPs.

RESPONSE:

Table 17 Item 9 will be updated to include a deadline change for Salinity Control and Nitrate Control Program enrollment.

COMMENT NO. 23:

(WDR Finding 93, Pg 26-27). Please allow for 120 days following the issuance of the WDRs for opting into the SCP and NCPs.

RESPONSE:

Table 17 Item 9 will be updated to include a deadline change for Salinity Control and Nitrate Control Program enrollment.

COMMENT NO. 24:

(WDR Finding 105, Pg 30). This finding has a Word document error that requires correction. In addition, this section of the Findings is referring to land application of cannery waste but the requirement is to keep waste in WMUs. The cannery waste land app area is not a WMU.

RESPONSE:

Correct, the cannery waste is not a WMU. This finding refers to the overall antidegradation policy. The finding will be updated to clear up any confusion and update the error message.

COMMENT NO. 25:

(WDR Finding 117, Pg 32). Financial assurances will be updated in accordance with the CalRecycle schedule.

RESPONSE:

In discussions with the Discharger, the table will be updated to follow the financial assurance schedule of CalRecycle.

COMMENT NO. 26:

(WDR Finding 123, Pg 34). Please allow for 120 days following the issuance of the WDRs for opting into the SCP and NCPs.

RESPONSE:

Table 17 Item 9 will be updated to include a deadline change for Salinity Control and Nitrate Control Program enrollment.

COMMENT NO. 27:

(WDR Table 11, Pg 48). Several deadlines are within the next 30-60 days and should be updated once the WDR is finalized.

RESPONSE:

As per discussions with the Discharger, the deadlines in Table 17 (previously Table 11) will be updated to reflect achievable dates.

COMMENT NO. 28:

(WDR Table 11 Item 8, Pg 49). The due date for the corrective action financial assurances August 1, 2023, which is before the Board Hearing date for WDRs approval. As this regulation is based on a CalRecycle requirement, Forward proposes to update

the corrective action financial assurance on a schedule that is consistent with the CalRecycle requirements.

RESPONSE:

In discussions with the Discharger, the table will be updated to follow the financial assurance schedule of CalRecycle.

COMMENT NO. 29:

(WDR Table 11 Item 9, Pg 49). Enrollment date is July 30, 2023 which is before the Board Hearing date for WDRs approval. Please adjust this date to allow 120 days following the issuance of the WDRs for opting into the SCP and NCPs.

RESPONSE:

Table 17 Item 9 (previously Table 11) will be updated to include deadline change for Salinity Control and Nitrate Control Program enrollment.

COMMENT NO. 30:

(MRP Table 1, Pg 4). See comment under Item 6 above.

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. A note will be added to Table 3 to highlight that these wells are part of the CAO and may be updated when the CAO is rescinded. The addition of these wells in the Tentative WDRs and MRP does not require an increase in the frequency of reporting or sampling method beyond what has been established by the conditions of the CAO.

COMMENT NO. 31:

(MRP Table 28, Pg 32). Under dissolved inorganics, Semi-annual sampling & Quarterly reporting listed. Please clarify.

RESPONSE:

The sampling and reporting has been updated to be every 5 years.

CENTRAL VALLEY WATER BOARD RTC #3 (COMMENT NO. 8 – 22)

COMMENT NO. 8:

(WDR Table 3, Pg 16). 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. Footnote 6 addresses the corrective action wells. Can language be added to remove these wells from the WDRs if they are removed from the corrective action program.

RESPONSE:

The Residential Domestic Wells listed in Table 3 and Attachment H are directly from the CAO and can only be removed once the CAO is rescinded. The addition of these wells in the Tentative WDRs and MRP does not require an increase in the frequency of reporting or sampling method beyond what has been established by the conditions of the CAO. Note 6 under Table 3 was updated to reflect the removal of residential domestic well sampling if a rescission to the CAO was made.

COMMENT NO. 9:

(WDR Finding 85, Pg 24). Can a sentence be added to note that this entire area will eventually be converted to a borrow area and once this occurs, the WDR and MRP requirements for cannery waste will no longer apply?

RESPONSE:

The WDRs and MRP have been updated to describe the post closure requirements once the discharge of cannery waste has ceased.

COMMENT NO. 10:

(WDR Finding 105, Pg 31). Can a sentence be added noting that any new sampling requirements for the LAA area are effective starting January 1, 2024?

RESPONSE:

Finding 105 updated to reflect sampling start date.

COMMENT NO. 11:

(WDR Finding 114, Pg 33-35). See comment under Item 4. Also, can a statement be added regarding what happens if there is a conflict between WDRs and Salt and Nitrate Control Program and if both WDRs and Salt and Nitrate Program need to be followed following Forward's enrollment in the Salt and Nitrate Control Program?

RESPONSE:

Finding 110 states that “the Central Valley Water Board may find it necessary to modify the requirements of these WDRs to ensure the goals of the SCP and NCP are met. This Order will be amended or modified to incorporate any newly applicable requirements.” This statement will be applied when Forward Inc. enrolls in the Salt and Nitrate Control Program. Sampling requirement date added to Finding 114 for TKN, Fe, and Mn.

COMMENT NO. 12:

(WDR Table 16, Pg 44). Please allow inert wastes to be disposed in surface impoundments

RESPONSE:

Under the definition of Title 27, inert waste is that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste. Therefore, inert waste is inherently a solid waste. Surface impoundments are designated for liquid and wet waste.

COMMENT NO. 13:

(WDR Table 16, Pg 45). Clarify that this applies to extracted leachate being surface applied or reinjected into existing Class III WMUs and does not apply to leachate formed within the WMU. Also, 27CCR 20340 states leachate shall be returned to unit from which it came. Can leachate from Class III units be discharged to Class II units?

RESPONSE:

This section is discussing where leachate can be discharged to. As stated in Title 27 Section 20340, collected leachate can be discharged to a different WMU if the receiving WMU is similar in classification and characteristic, does not exceed the moisture-holding capacity of the receiving unit, and has written permission from the Central Valley Water Board. Additionally, the unit must comply with SWRCB Resolution No. 93- 62.

COMMENT NO. 14:

(WDR Discharge Specification B.6, Pg 46). Please clarify if a WMU refers to a single cell, like WMU FU-19, or is it the broader sense of the word, such as a contiguous Class II landfill cell or an area that drains to a particular leachate impoundment.

RESPONSE:

Discharge Specification B.6 has been expanded to specify that collected leachate can be discharged back to similar classified WMUs as stated in Title 27 Section 20340.

COMMENT NO. 15:

(WDR Discharge Specification B.7, Pg 46). Please allow cannery muds to be discharged to dry in bermed areas within WMUs and then disposed within the WMU, as described in the Findings.

RESPONSE:

Discharge Specification B.13 specifies that cannery rinsate mud may be dried in a bermed area of a lined WMU for a minimum drying period of five days. Additional language to Discharge Specification B.13 has been included to reflect the findings of the WDR.

COMMENT NO. 16:

(WDR Table 17 Item 5, Pg 55). Please allow due date to be modified to March 30, 2024

RESPONSE:

An additional month to complete the report has been granted. Due date has been modified accordingly.

COMMENT NO. 17:

(WDR Table 17 Item 6, Pg 55). Please allow due date to be modified to March 30, 2024

RESPONSE:

An additional month to complete the report has been granted. Due date has been modified accordingly.

COMMENT NO. 18:

(WDR Attachment E Item 2, Pg 61). The primary liner is not a composite liner

RESPONSE:

The component has been revised to state primary liner instead of primary composite liner.

COMMENT NO. 19:

(WDR Attachment E Item 2, Pg 61). The LCRS also serves as a leak detection layer

RESPONSE:

The surface impoundment component has been revised to be a leak detection system instead of LCRS.

COMMENT NO. 20:

(MRP Table 1, Pg 4). One well is incorrectly listed as 9106-A. The well should be listed as 8106-A.

RESPONSE:

Well corrected to be 8106-A.

COMMENT NO. 21:

(MRP Table 28, Pg 32). In Row 3, add WMUs FU-19 and 23.

RESPONSE:

Table 27 and Table 28 was updated to reference the sumps located at WMU FU-19 and WMU FU-23 as identified in Table 17.

COMMENT NO. 22:

(MRP Table 33, Pg 40). E.6 Survey and Iso-Settlement Mapping was last submitted in 2021 therefore the next due date should be 2026. Deadlines for E.8 (Forward Landfill Water Quality Protection Standard Reports) and E.9 (Cannery Waste Water Quality Protection Standard Reports) should be extended to 2024 as the Tentative WDR will be approved in mid-December 2023.

RESPONSE:

Currently, the Central Valley Water Board does not have record of a survey and isosettlement map for the closed sections of the landfill. The 2023 due date listed in Section E.6 will remain as is unless the Discharger can submit evidence that the map was submitted in 2021. The deadlines for E.8 and E.9 have been extended to 2024.

LYNCH ROAD RANCH, LLC COMMENTS

Lynch Road Ranch, LLC submitted comments via email on 25 April 2022, 07 July 2023, and 07 November 2023. These comment emails raise 14 distinct issues regarding the permitting of the Forward Landfill, its compliance history, and potential impacts to surrounding groundwater. The emails repeat several comments and refer to numbering in prior response to comment documents. In order to avoid confusion, Board has consolidated the issues presented in the comment letters here, along with the Board's responses. The entire text of the comment letters, as well as how the Board parsed out the issues raised in the comment emails, have been made available to the Board and will be made available to the public upon request.

LYNCH RANCH ROAD COMMENT NO. 1:

The commenter argues that the Board should not adopt the WDRS because the facility has leaked “toxins” and is concerned about how it will affect his water, health, and crops. An expansion granted to the landfill will create additional problems.

RESPONSE:

The revised WDRs are consistent with the applicable regulatory requirements of Title 27 of the California Code of Regulations, which ensure that landfills situated in California will protect groundwater and not create public nuisance conditions.

The releases that the commenter is concerned about 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 did 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, including the requirement that the operator have Financial Assurances in place that are consistent with ongoing and future Corrective Action measures.

The pollution that was released from the Austin Road Landfill is being addressed through the facility’s Corrective Action Program and Cleanup and Abatement Order R5- 2017-0703 (2017 CAO). The 2017 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.

There are valid concerns raised when a landfill expansion is being proposed alongside the footprint of an older landfill that was not built to current regulatory standards. These concerns are often the subject of debate when the local land use authority is considering the siting of the new landfill unit. However, it is often the case (as it was here) that it is preferential to allow newer landfill units, to be built near existing facilities to mitigate or avoid the impacts associated with the construction and operation of new landfills on properties where landfills were not previously sited. These findings are discussed in San Joaquin County’s CEQA document for the Project, entitled Final Supplemental Environmental Impact Report for Forward Inc. Landfill 2018 Expansion Project (April 2019), which also describes how the Project accords with the County’s General Plan, zoning regulations, and Countywide Integrated Waste Management Plan (CIWMP).

LYNCH RANCH ROAD COMMENT NO. 2:

The commenter argues that Board should require additional extraction and cleanup wells or utilize existing domestic wells in the area for treatment.

RESPONSE:

The requirements of the 2017 CAO require Forward Landfill to implement corrective action measures to remediate impacts to groundwater that were caused by the operation of the Austin Road Unit. To address downgradient groundwater contamination from the historic unit, the Discharger began Implementation of the offsite Interim Remedial Action Plan in August 2023. The Board will continue to monitor progress under the CAO and will require the installation of additional groundwater extraction and treatment wells if necessary.

The commenter also suggests either capping existing domestic wells in the vicinity of the landfill or repurposing them as extraction and treatment wells. These wells are privately owned and are not known to be contributing to the degradation of groundwater. Whether or not such wells could be repurposed for groundwater extraction and treatment is dependent on an analysis of the groundwater plume and hydrologic conditions in the vicinity of the wells. If this were a cost-effective means of remediating the groundwater plume, the Board would expect such a proposal to be made by the Discharger after negotiating alternate water supplies with any affected residents. The current Corrective Action Plan does not include usage of these wells for groundwater treatment sites.

LYNCH RANCH ROAD COMMENT NO. 3:

There are unacceptable impacts to drinking water wells and surface drinking water supplies.

RESPONSE:

A Domestic Well Sampling Plan was required under the 2017 CAO. The purpose of the sampling program was to identify off-site wells that may have been impacted by volatile organic compounds (VOCs) associated with plume migration from the Forward Landfill. There are 14 active residential groundwater treatment systems in place at the following residential locations:

7210 Austin Road

7898 Austin Road

7898 Austin Road South

8106 Austin Road

7175 Newcastle Road

7443 Newcastle Road

7557 Newcastle Road

7601 Newcastle Road

7667 Newcastle Road

7777 Newcastle Road North

7777 Newcastle Road South

7833 Newcastle Road

7983 Newcastle Road

7995 Newcastle Road

Two residences on 7317 Newcastle Road and 7485 Newcastle Road decided to move forward with the option to connect to the city water line. Forward, Inc. initiated the permitting process for these residences and paid for the cost to connect. There is no known documentation that the domestic water wells at these residential locations are in use.

LYNCH RANCH ROAD COMMENT NO. 4:

The commenter contends that leaks from the facility have impacted Littlejohns Creek.

RESPONSE:

The WDRs only authorize discharge of waste to the waste management units permitted by the WDRs, which are constructed to be protective of any groundwater that may flow into Littlejohns Creek. Discharges of waste to surface waters would be considered a violation of the WDRs and would subject Forward Landfill to potential enforcement actions.

LYNCH RANCH ROAD COMMENT NO. 5:

Forward has not complied with the 2017 CAO, and the Board should reject an expansion, strengthen the WDRs, and/or take additional enforcement action, including administrative fines.

RESPONSE:

The WDRS require the development and implementation of a Corrective Action Program, and the 2017 CAO is in place to delineate and address legacy contamination from prior operations at the facility. Issuance of administrative penalties would occur as a result of the independent discretion of the Board's Compliance and Enforcement Program, after considering the requirements of the State Water Board's Compliance and Enforcement Policy and considering regional priorities. The issuance of these WDRs authorizing discharges to new waste management units that are subject to

modern standards and regulations do not preclude potential enforcement for violations of the Water Code or other Board orders.

LYNCH RANCH ROAD COMMENT NO. 6:

Releases from the facility will have impacts on the Delta by inducing the growth of “floating aquatic vegetation” due to increased nutrient loading.

RESPONSE:

Nutrient loading to surface waters has long been a concern of the Central Valley Water Board, as this can be a contributing cause to the growth of vegetation like water hyacinth, an invasive species that has caused impacts to the Port of Stockton, as well as harmful algal blooms. However, the WDRs that are going to be considered by the Board prohibit discharges to surface waters, and there are no known nutrient discharges to surface waters from the operation of the facilities regulated by the proposed WDRs.

LYNCH RANCH ROAD COMMENT NO. 7:

Multiple versions of the response to comments are an attempt to hide something from the public.

RESPONSE:

This version of the response to comments, which consolidates all three sets of comment letters, was developed to avoid confusion. While the prior response to comment documents are still available, we hope that this version, which provides more concise answers to all of the comments raised by both commenters, will help provide greater transparency.

LYNCH RANCH ROAD COMMENT NO. 8:

High rainfall has impacted the facility and has potentially caused greater water quality impacts, which is not adequately described in the monitoring.

RESPONSE:

In the process of developing the WDRs, Board staff made updates to the water bearing zones of groundwater monitoring wells in Table 3. The table had initially misidentified several wells to be “deep” that were in fact “shallow” or “intermediate.” The characterizations of these wells have been corrected in the WDRs that are being proposed for the Board’s consideration in February.

An analysis was conducted to assess the effects of recent rainfall activity and how groundwater elevations changed from the Fourth Quarter 2022 Water Quality Monitoring

Report (WQMR) to the First Quarter 2023 WQMR. Groundwater elevations were sampled between 10/28/2022 to 11/9/2022 and 1/24/2023 to 2/10/2023 in the Fourth Quarter 2022 WQMR and First Quarter 2023 WQMR, respectively. All the groundwater wells with sufficient comparable data (4 out of 87 wells did not have elevations for Fourth Quarter 2022 because they were reported to be dry) saw an increase in water levels from one reporting season to the next and ranged from 0.75 feet to 45.4 feet. Out of 87 groundwater wells that were analyzed, 42 wells saw water elevation increase by 20 to 45.4 feet. The increase in precipitation does not appear, however, to cause major changes to the plume dynamics.

LYNCH RANCH ROAD COMMENT NO. 9:

Cannery waste should be more sufficiently addressed in the WDRs.

RESPONSE:

The discharger disposes of cannery waste on 75 acres of land to the north of the landfill footprint and within the property boundary. The waste is comprised of two materials: cannery residual material and cannery rinsate. Cannery waste is a nonhazardous decomposable waste. No additional waste is being discussed. The WDRs require that the cannery waste be discharged at rates that will ensure that crops in the discharge area can uptake the nutrients therein, minimizing the potential for those nutrients to reach groundwater. The same approach is used in WDRs for other dischargers of food processor waste. Furthermore, the Discharger will soon be required to enroll into the Board's Salt and Nitrate Control Programs to ensure that the discharge of cannery waste will not pollute or degrade groundwater with salinity and/or nitrate.

LYNCH RANCH ROAD COMMENT NO. 10:

Additional monitoring should be required in the MRP to demonstrate that the facility is protective of water quality because this demonstration has not been made.

RESPONSE:

Both the 2017 CAO and the revised WDRs up for the Board's consideration impose monitoring requirements to protect groundwater. The reporting and sampling frequency for domestic wells has been established in the 2017 CAO, which required a Domestic Well Sampling Plan that requires sampling and reporting of potential impacts to domestic wells on a semi-annual basis. There are wells that are sampled more frequently. Eleven residential domestic wells are sampled quarterly, and one is sampled monthly. The requirements in the CAO are reflected in the Tentative WDR and MRP. Additional monitoring requirements are found in the Monitoring and Reporting Program that is a part of the WDRs to be considered by the Board in February.

LYNCH RANCH ROAD COMMENT NO. 11:

The commenter is concerned with allowing treated wood waste to be disposed of at the landfill in Class III waste management units.

RESPONSE:

Forward Landfill has been authorized to accept treated wood waste (TWW) under California Assembly Bill 332 (A.B.332), effective 31 August 2021, as set forth in Health and Safety Code, division 20, article 11.2 (§ 25230 et seq.). Treated wood waste can only be disposed in composite-lined waste management units.

There are no current active Class III waste management units at Forward Landfill.

LYNCH RANCH ROAD COMMENT NO. 12:

The commenter questions whether additional storage was sufficient to compensate for increased leachate.

RESPONSE:

Forward, Inc. brought in ten temporary liquid storage tanks to supplement the leachate storage capacity of the surface impoundments during the 2022-2023 winter season. No releases of leachate from the ten temporary liquid storage tanks occurred during the timeframe in question. Tank volumes were monitored by Forward landfill staff and weekly updates regarding leachate volumes within the tanks were submitted to the Central Valley Water Board.

LYNCH RANCH ROAD COMMENT NO. 13:

The commenter has concerns about Asbestos Containing Materials (ACM) that could be disposed of at the landfill.

RESPONSE:

Solid Waste Facility Permit 39-AA-0015 allows the acceptance of asbestos if it is more than 1 percent friable. ACM is monitored under a load-checking program which is comprised of: waste characterization and certification forms, load inspections, training of on-site personnel, and signage. Asbestos disposal manifests and operating records are maintained by Forward Landfill. The records include quantity and date of each individual shipment of ACM, disposal location at the landfill, a summary of incidents that required an established contingency plan to be used, inspection results and training records.

LYNCH RANCH ROAD COMMENT NO. 14:

The commenter stated that he witnessed windblown trash offsite.

RESPONSE:

Windblown trash can create a public nuisance and can be considered a violation of the WDRs. Compliance and Enforcement staff will investigate these claims and continue our efforts to regulate and monitor this facility.