

To: State Water Resources Control Board

Subject: Water Quality Petition, Water Code section 13320; Title 23, California Code of Regulations sections 2050-2068

1. **Petitioner:** Michael La Forge, 9606 Lynch Road, Manteca, CA 95336, 719-527-0910, m.laforge@laforgefamilyent.com
2. **a.) Action.** On more than one occasion the Permitting group failed to follow Procedure with regards to providing adequate Notice of Significant Changes pertaining to proposed WDR's prior to the Central Valley Water Regional Control Board Hearing. The Petitioner and the impacted public were not given adequate time to review and evaluate the changes. Furthermore, the petitioner requested a postponement of the Hearing twice to allow for adequate time to review the impact of these changes prior to the hearing. The Board declined in both cases:

On **2/6/2024**, I received a notice from the Board referring to the agenda schedule for the **2/16/2024** Board Meeting (https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/2402/). (**Copy Attached, reference 1**)

While reviewing the information we were lucky to discover different versions/files of WDR's. One file had 113 pages, the other 107 pages with significant changes. On **2/09/2024** We requested the Board grant a postponement of Agenda item #10 (Forward Landfill WDRs) for the **02/16/2024** Central Valley Water Regional Control Board meeting. (**Copy Attached, reference 2**).

On **02/12/24**, I received a response from John Murphy, permitting program manager denying the request for postponement, (**Copy Attached, Reference 3**) Not knowing if Mr. Murphy received concurrence from the Board of this decision, on **2/13/24** I personally emailed each board member requesting a postponement with stated rationale, (**Copy Attached, Reference 4**).

On **2/15/24**, the night before the Hearing, I received an email from Mr. Murphy stating that Another Late Revision to the WDR's was admitted. A copy of the Late Revision, Five Page Document is Attached, (**Copy Attached, Reference 5**). As you can see, **the changes are Very Significant, with changed technical specifications and new increased allowable discharge values**. One example being gpad values. The "staff identified that 1,000 to 3,000 gpad values have been set for other sites. Given the above information, this Order sets the ALR ... at 3,000 gpad". There is no rationale or justification noted for the increased value. Why set a higher limit for a facility with a known history of pollution emissions? What else was freely granted without public comment or consideration? The timing of the release of this late Notice must certainly be considered a Procedural Error. **A Significant change to the WDR's was released with absolutely no time given to the impacted public to adequately review and comment on prior to the scheduled Hearing the next morning.**

The Hearing went on as scheduled, I put the Board on notice of my concerns about the Procedural Errors and the status of Forward's NON Compliance of the 2017 CAO. I mentioned Forwards history of plume growth, toxic releases, violations and fines. Please refer to the meeting video/audio from the hearing, Attached.

Here is the link to the Board Meeting Video. <https://www.youtube.com/watch?v=zl9U9Q-11Ms>

1:40:09 is the start of the Forward Item action item.

2:25:40 is the start of my closing speech.

You can watch the video to verify that:

- 1) Procedural issues were brought up and ignored and
- 2) They failed to enforce actions requested by the public and Lynch Road Ranch, LLC. In haste, they inappropriately adopted the Revised Waste Discharge Requirements without properly considering the consequences of such action.

b.) Inaction. I requested the Board withhold approval of the new expanded WDR's until such time as Forward meets their obligation to comply with the 2017 CAO, (**See Attached below**). They are grossly behind schedule and in fact, the plume has migrated in a direction inconsistent with their current monitoring processes. A New Release of Toxic Waste has been discovered in an area not previously detected. Consequently, not only are they behind in restoring the plume and emissions to the standards set out in the 2017 CAO orders, but the Contaminated Plume is spreading in areas not previously detected previously. They continue to blame the "old unlined landfill" for the plume, (which regardless, they purchased the old landfill and have made millions off it and accepted the liability for any releases from it) but data may prove the new release is coming from their own original landfill. This point is mute, they have been ordered and have accepted the responsibility to clean up and stop all contaminated emissions, yet they continue to ignore this responsibility. I have asked in the name of Environmental Justice that the Board protect the impacted Disadvantaged domestic neighbors and the impacted farmers, that Forward Inc. be forced to comply with the mandates set forth by the 2017 CAO (which they have completed less than ¼ of these items) and that they face repercussions for their blatant disregard of their responsibilities in doing so. They should not be allowed to expand until they can current actions fulfilled.

The Board Failed to enact Enforcement actions pertaining to active NOV's and the CAO, (**See NOV and recent NOR attached below**). As you may glean from watching the Hearing video, the Boards behavior demonstrates that their minds were made up to approve the WDR's and had no interest in what I had to say regarding compliance.



Cleanup and Abatement Order.pc



NOV Forward 15Aug2023.pdf



RE_ Forward Landfill_ Notificator

3. The Central Valley Water Regional Control Board failed to act in an appropriate manner prior to the **2/16/24, (on 2/09/24, and 2/12/24 and 2/13/24, See References 2-4 Attached.)** Hearing by allowing a procedural error to occur by the permitting group wherein proper notice of significant changes was not given to the public and requests for postponement of the hearing to allow for due process and analysis of the changes by the public was not granted. The Board again failed on **2/16/24** at said Hearing, to grant a postponement. The Board failed to Enforce Non-Compliance activity on behalf of Forward Landfill. The Board should not have adopted the expanded WDR's on **2/16/24**.
4. The action and inaction were inappropriate because the Board allowed Procedural Errors to take place, did not allow for a requested postponement to allow the Public to study Significant changes to the WDR's occurring a week prior to the hearing and again the night before the hearing. The Board's Charter is to enforce Environmental Justice and guarantee safe drinking water to all citizens. By allowing Forward to expand operations, all the while their contaminated plume continues to grow. By mandates of the 2017 CAO, Forward was supposed to have "restored the beneficial uses of groundwater in all zones affected by the release for the entire plume by no later than **1 July 2023**". They should not have approved the new expanded WDR's until such time as Forward is Compliant. Additionally, fines should be considered instead of granting the Rewards for additional handling volumes.
5. The petitioner, including all the neighboring property owners whose wells have been contaminated, are aggrieved. The property values of homes and farms are negatively impacted by the fact the wells are not usable. Public Health is at risk by means of having unsafe drinking water on premise. Should Prime Agricultural farms not be able to sell their produce due to the fact the water is unsafe, they will go bankrupt. Every citizen should have the right to earn a living and not be punished by bad actors with a history of bad behavior. I urge the Board to review the files contained within Geotracker,

([GeoTracker \(ca.gov\)](https://www.ca.gov/GeoTracker))

which will show the numerous NOR's and NOV's that have been issued to Forward over time. In the past, they have been fined millions of dollars by various Government agencies for violations. Just last month the San Joaquin Valley Air Pollution Control District issued a NOV and Citation to Forward Landfill for exceeding the intake of permitted volumes of Composting materials for each and every year over a Five-year period, beginning in 2019. The higher accepted volumes may have produced an under or unreported anerobic condition. The odors were often unbearable, forcing people indoors during the summer months where one would prefer to enjoy outdoor activities life, like a basic BBQ.

6. The action the petitioner requests the State Water Board to take: **I hereby request the State Board take Action to correct the Regional Boards Inaction**

and rescind the approved and adopted WDR's, an expansion should not be allowed until such a time that Forward Landfill stops polluting domestic and AG wells and threatening the livelihood of farmers and the Disadvantaged community living in the vicinity. Once Forward is compliant with the 2107 CAO, then the WDR's should be reviewed for appropriateness and adopted.

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/#joaquin)

7. A statement of points and authorities for any legal issues raised in the petition, including citations to documents or hearing transcripts that are referred to:

The State Board is chartered and has the legal right to enforce compliance and cleanup actions, including instituting daily fines until such time as Forward Inc. meets their legal obligations stated in the CAO. "If the Discharger fails to comply with the provisions of this Order, the Central Valley Water Board may refer this matter to the Attorney General for judicial enforcement or the Assistant Executive Officer may issue a complaint for administrative civil liability. Failure to comply with this Order may result in the assessment of administrative civil liability up to \$10,000 per violation per day, pursuant to the Water Code sections 13268, 13350, and/or 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law. **Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following.**"

8. A statement that copies of the petition have been sent to the Regional Water Board and to the discharger, if different from the petitioner:

A copy of this petition has been sent to the Regional Board.

9. A statement that the issues raised in the petition were presented to the regional board before the regional board acted, or an explanation of why the petitioner could not raise those objections before the regional board:

The issues raised in this petition were presented to the Regional Board at said Hearing, on **2/16/24** to no avail. Please refer to video link of the hearing where petitioner raised these same concerns and requested actions. **They were dismissive and at one point at the end of the discussions my microphone was muted.**

References from the above text follow below.

Reference 5, p 5 of 6

b. **Monthly Sump Inspection**—All WMU LCRS sumps shall have a flow meter installed on the discharge pipe in order for the leachate volume to be recorded in gallons/day and reported quarterly. ~~be inspected monthly for the presence of leachate.~~ All WMU LCRS sumps shall be visually inspected weekly to assure the pump alarms are still operating as designed. As provided in Table 26, the total flow and flow rate for leachate in each sump shall be recorded after each inspection and reported ~~semiannually~~ quarterly per Section E.1.

4. Change Table 26 on page 31 in the Monitoring and Reporting Program as follows:

Table 1—LCRS Sump Monitoring, Monthly Inspection Parameters

Physical Parameter	GeoTracker Code	Units	Sampling Freq.	Reporting Freq.
Total Flow	(none)	Gallons	Monthly <u>Continuously</u>	Quarterly
Flow Rate	FLOW	Gallons/Day	Monthly <u>Continuously</u>	Quarterly

5. Add new finding in the Monitoring and Reporting Program in Section D. Additional Facility Monitoring, after finding 7 on page 40:

8. Action Leakage Rate: The Discharger shall record the leakage rate for each Class II surface impoundment LCRS and report the value in gallons per day. The results shall be included in the information in the quarterly reports and compared to the Action Leakage Rates found in the WDRs under Facility Specification C.9. If monitoring of the flow rate into the LCRS shows an exceedance of the Action Leakage Rate required by the WDRs, the Discharger shall follow the procedures in the WDRs under "C. Facility Specifications". Tabulated leakage rates shall be included in the quarterly monitoring reports.

6. Add new finding in the Monitoring and Reporting Program in Section E.1. Reporting Requirements, after finding k on page 44:

q. Tabulated leakage rates (in values of gallons per day) into the LCRS or LCRS sump with comparison to the Action Leakage Rate, and a discussion of required response if ALR was exceeded.

7. Add date in Finding 33 Waste Discharge Requirement on page 13:

33. A Compost Facility exists on site and was previously permitted under the previous WDRs Order R5-2014-0006. The composting facility is now regulated

Reference 5, p 4 of 6

2. Discuss any noticeable increases in leakage rates that may indicate a significant defect has developed in the primary liner.

b. If leachate generation in the LCRS or leak detection layer of a Class II surface impoundment exceeds the **Evaluation Monitoring Trigger**, the Discharger shall:

1. Immediately notify Central Valley Water Board staff by telephone and email.

2. Submit written notification within seven days with an evaluation monitoring plan that proposes increased monitoring and reporting of the LCRS or leak detection layer and unsaturated zone, and a contingency plan for how the facility will operate if the pond level reaches the Corrective Action Level.

3. Provide information specified at the notification level.

4. Provide estimated schedule of when the surface impoundment can be repaired to meet facility operational needs.

c. If leachate generation in the LCRS or leak detection layer of a Class II surface impoundment exceeds the **Corrective Action Level**, the Discharger shall:

1. Immediately cease the discharge of waste, including leachate, to the surface impoundment and notify Central Valley Water Board staff by telephone and email.

2. Submit written notification within seven days that includes a time schedule to locate and repair the leak(s) in the primary liner system or take other actions to mitigate the exceedance.

3. Submit a plan to reduce head pressure on the primary liner such that leakage through the primary liner is reduced to the evaluation monitoring trigger leakage rates.

4. If initial repair attempts or other actions do not result in a leakage rate less than the Notification Level leakage rates, the Discharger shall submit written notification within seven days that includes a time schedule for a leak location survey, identification of damaged or non-performing areas of the primary liner, and replacement or repair of the identified damaged or non-performing areas of the primary liner of the surface impoundment or other action necessary to reduce leachate production.

5. Complete repairs, other actions, or liner replacement in accordance with the approved time schedule(s) required under "2" and/or "4", above.

3. Change requirement D.1.b on page 30 in the Monitoring and Reporting Program as follows:

Reference 5, p 3 of 6

into account when establishing ALR values. The presence of automatic pumps at the existing surface impoundments allow for a greater US EPA recommended volume of 1,000 gpad for each of the Class II surface impoundments.

WMU F North and WMU F West utilize suction lysimeters to monitor the unsaturated vadose zone. Future Class II surface impoundments with a robust unsaturated vadose zone system will allow Central Valley Water Board staff to consider a higher ALR value.

Central Valley Water Board staff identified that 1,000 to 3,000 gpad values have been set for other Central Valley sites. Given the above information, this Order sets the ALR for the existing and proposed surface impoundments at 3,000 gpad.

The Discharger may submit technical reports and request alternative action leakage rates for existing and proposed surface impoundments, which will be subjected to undergo review and approval by Central Valley Water Board staff.

2. Add new finding in Waste Discharge Requirements after Requirements C. Facility Specifications, 8 section on page 49:

9. The Action Leakage Rate (ALR) for each Class II surface impoundment is as follows:

<u>Surface Impoundment Identification</u>	<u>WMU F North</u>	<u>WMU F West</u>
<u>Area (acres)</u>	<u>1.36</u>	<u>0.97</u>
<u>Action Leakage Rate (gpad)¹</u>	<u>3,000</u>	<u>3,000</u>
<u>Notification Level (gpd) (33% of ALR)</u>	<u>1,346</u>	<u>960</u>
<u>Evaluation Monitoring Trigger (gpd)¹ (66% of ALR)</u>	<u>2,693</u>	<u>1,921</u>
<u>Corrective Action Level (gpd)¹ (100% at ALR)</u>	<u>4,080</u>	<u>2,910</u>

Note: 1. Gallons per day (gpd) shall be measured by a calibrated flow totalizer.

a. If leakage generation in the LCRS or leak detection layer of a Class II surface impoundment exceeds the **Notification Level**, the Discharger shall:

1. Submit written notification within seven days that includes historical and graphical information which describes how the leakage in the Class II surface impoundment has increased over time to reach the Notification Level.

Reference 5, p 2 of 6

(Please use track changes format)

LATE REVISIONS

AGENDA ITEM 10

February 16, 2024 Board Meeting

LATE REVISIONS – 15 February 2024

Item 10. Forward, Inc., Forward Landfill, San Joaquin County

Consideration of Tentative Waste Discharge Requirements Order No. R5-2024-XXXX.

The proposed Waste Discharge Requirements and Monitoring and Reporting Program for Forward Landfill (Discharger) has late revisions to add additional language regarding action leakage rates. Some additional minor corrections to the documents are also noted below.

1. Add new finding after Finding 84 in Waste Discharge Requirement on page 24:

85. The 1992 EPA guidance document Action Leakage Rate for Leak Detection Systems informs theory relating to evaluation and observation of flow rates through surface impoundment containment systems with geomembrane system components. The 1992 EPA guidance, in part, describes that the objective of a containment system is to minimize the head or pressure on the secondary liner and thereby decrease the potential for migration of constituents out of a surface impoundment should a leak occur in both the primary liner and the secondary liner. The 1992 EPA guidance document Action Leakage Rate for Leak Detection Systems describes the "action leakage rate" (ALR) as the maximum design flow rate, with a safety factor, that the leak detection system can remove without the head on the secondary liner exceeding one foot. The 1992 EPA guidance document Action Leakage Rate for Leak Detection Systems provides for guidance for geomembrane containment systems where flow rates in excess of the minimum ALR indicate a major localized or general failure of a primary liner; flow rates of 1,000 gallons/acre/day or greater represent "potentially significant hole sizes that may be readily identified and repaired" for geomembrane based containment systems. The guidance recommends that the ALR for lined surface impoundments be set at no more than 1,000 gallons per acre per day (gpad) unless site-specific conditions dictate otherwise.

The Discharger proposed an ALR of 14,445 gpd, based on site-specific calculations, in Action Leakage Rate Calculation and Leak Location Test Results Waste Management Unit F-West, Forward Landfill on 19 January 2024.

Higher ALR values above the recommended 1,000 gpad are site-specific and require Central Valley Board staff to consider design of the surface impoundment, pumping rates, and Discharger submitted technical ALR reports

From: Murphy, John@Waterboards <John.Murphy@Waterboards.ca.gov>
Sent: Thursday, February 15, 2024 6:19 PM
To: m.laforge laforgefamilyent.com; Greg Schlick
Cc: Hold, Howard@Waterboards; Kenny, Brendan@Waterboards; Gisi, Stephani M.
@Waterboards; Maxwell, Mindy@Waterboards; Baum, John@Waterboards; Shelton,
Brad@Waterboards
Subject: RE: Forward Landfill - Response to Comments - Board Meeting
Attachments: forward_ffl_late_rev.pdf

Good evening again, Mr. LaForge,

Today, the Central Valley Regional Water Quality Control Board (Board) incorporated Late Revisions into the Tentative Waste Discharge Requirements (WDRs) for Forward Landfill, Order R5-2024-XXXX. The Late Revisions include additional requirements regarding action leakage rates at the landfill. Other minor corrections were also made in the Order. The revisions are identified in Track Changes format (underlined red text) in the attached document. These changes were just submitted to the Board Members for review and hard copies will be available at the Board Meeting tomorrow morning. Board staff will also discuss Late Revisions during the agenda item presentation.

Thank you,
John Murphy

From: Murphy, John@Waterboards
Sent: Monday, February 12, 2024 5:42 PM
To: m.laforge laforgefamilyent.com <m.laforge@laforgefamilyent.com>; Gisi, Stephani M.@Waterboards <Stephani.Gisi@Waterboards.ca.gov>; Maxwell, Mindy@Waterboards <Mindy.Maxwell@Waterboards.ca.gov>; Baum, John@Waterboards <John.Baum@Waterboards.ca.gov>; Shelton, Brad@Waterboards <brad.shelton@waterboards.ca.gov>
Cc: Greg Schlick <gregschlick@gmail.com>; Hold, Howard@Waterboards <howard.hold@waterboards.ca.gov>; Kenny, Brendan@Waterboards <brendan.kenny@waterboards.ca.gov>
Subject: RE: Forward Landfill - Response to Comments - Board Meeting

Good evening, Mr. LaForge,

The Central Valley Regional Water Quality Control Board (Board) received your 9 February 2024 email requesting postponement of the Board's consideration of Agenda Item #10 – Waste Discharge Requirements (WDRs) Order R5-2024-XXXX for Forward Landfill. You are correct that changes have been made between the draft and final tentative Order.

However, consistent with legal procedure governing the adoption of WDRs orders, the only substantive changes that were made to the Order were made in direct response to comments that the Board received during the public comment periods. These changes have been documented in the "Response to Comments" document included in the agenda package for this item. All other changes were non-substantive classifications and corrections of errata.

The "Compare Report" document provided by Brad Shelton on 9 February 2024 provides a color-coded list of changes between the draft and final versions of the tentative Order. This message is to

Reference 4, p 2 of 2

The most current Tentative Order Page included in the Agenda was not commensurate or posted on the Waterboard website. The new WDR content has taken us by surprise, with only one week allowed to review and prepare comments at the Hearing. This is particularly difficult for interested public typically lay parties like me to review, digest and develop a proper response to such a lengthy document by this Friday. An adequate review period should be given, especially when considering Procedure was not followed and that many of the impacted community are considered a Disadvantaged community, with many having English as a second language and below the economic median level.

Additionally, as per a quick glance, it appears that omissions are present in the new document. Specifically, page 19, Recent Enforcement section appears to be missing several Notice of Contamination Releases and Notice of Violations which have been issued and can be found in the Waterboard geotracker database. Missing information to be considered includes the most recent NOV which was issued on 10/23 for a New Contamination Release point in a new area previously undetected indicative of a spreading plume. .

The California Waterboard Mission Statement reads: ***To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.*** To adequately comply with this Mission Statement, the Board must consider the achievement and compliance with this Goal. Please consider if Forwards Behavior and compliance status warrant permit approval.

Past Performance:

Forward Landfill was issued a Cleanup and Abatement Order by same Board in 2008. They failed to Comply with this Order and consequently were issued a Second Cleanup and Abatement Order in 2017 wherein they were supposed to have a condition of cleanup and containment from and beyond their boundaries as of July 1, 2023. They are nowhere near achieving this and now the Plume is spreading to other areas..

They have accepted unauthorized Material – Discovery has been made that they apparently violated procedure and accepted Toxic Waste from Tesla where the District Attorney fined Tesla millions of dollars. Is this situation any different to the occasion where they accepted unauthorized Toxic material from Kaiser Permanente? Furthermore, It has been discovered that they are in the process of receiving an additional NOV from the San Joaquin Valley Air Pollution Control District for exceeding permitted intake of composting material over a period of five years in a row, since 2019. We request that the Board be adequately prepared to address the egregious lack of Compliance at the Hearing. .

In conclusion, Because Procedural errors have occurred in the documentation handling process, we respectfully request the Hearing Agenda Item 10, Forward Landfill be postponed to adequately enable proper dissemination and review by interested impacted community members. Otherwise, we have no choice but to file a Petition. Additionally, as in the past we may possibly reach out to the media, including the Stockton Record, whom we have worked with in the past so as to attempt to shed some light on process and background..

Sincerely,

Michael La Forge
Lynch Road Ranch, LLC

From: m.laforge laforgefamilyent.com
Sent: Tuesday, February 13, 2024 1:42 PM
To: Bradford, Mark@Waterboards; nicholas.avdis@waterboards.ca.gov; Denise.Kadara@waterboards.ca.gov; Sean.Yang@waterboards.ca.gov; Elena. Greg Schlick; Maxwell, Mindy@Waterboards; Patrick.Pulupa@waterboards.ca.gov; Andrew Genasci
Cc:
Subject: Waterboard Hearing , 2/16/24, Request For Postponement of Agenda Item 10, Forward Landfill

Mr. Bradford

As you may or may not be aware, a procedural error has occurred wherein the main document associated with the hearing and approval process, the Tentative WDR's was changed, (and not the first time) without providing adequate or any notice as to the changes as late as last Friday. Upon discovering the change, I contacted Mindy Maxwell and explained that we needed adequate time to review and analyze the changes prior to the hearing scheduled for this week. This justifiable request is issued to facilitate the entitlement of due process.

I requested that she forward my request to all the Board Members, including yourself, who are responsible for approving the permit application. She agreed to comply with my request. However, it is unclear whether you and other pertinent members received the request. I know she is very busy with other matters. The reason I ask is that rather than hearing from a Board Member, I was contacted by Brad Shelton, the person responsible for submitting the permit application. He contacted me Friday night and asked if I would reconsider my postponement request if he submitted a document which notated differences between the last two versions. My position is that I believe there are currently procedures in place that would require him to do so and notify all interested parties in a timely manner prior to being prompted to do so to all parties without a request from an interested party. The time frame is too short for everyone to disseminate and understand the changes in such a condensed period. I relayed we couldn't do adequate review of the document and suggested that a Procedural error had perhaps once again occurred and that we needed more time to review the changes contained in such a lengthy document.

I proceeded to formally send the request to Ms. Mindy Maxwell on Friday at 4:20 PM via email to which she confirmed she would communicate the request to the Board. However, rather than receiving a response from the Board, I received a denial notice from Brad's boss, Mr. Murphy, the permitting manager on Monday night, 2/12. I just wanted to confirm whether you did receive the request.

I see and understand that our request for adequate time has been denied and the hearing will proceed on Friday as scheduled in the agenda. I am respectfully and humbly asking you to step in and provide us with the time we have requested to understand the new revisions. I firmly believe it is a fair request and ask that you and the Board Members don't rush this agenda item through without providing the affected public the opportunity to understand what is happening in their neighborhood.

For your consideration:

From: Murphy, John@Waterboards <John.Murphy@Waterboards.ca.gov>
Sent: Monday, February 12, 2024 6:42 PM
To: m.laforge laforgefamilyent.com; Gisi, Stephani M.@Waterboards; Maxwell, Mindy@Waterboards; Baum, John@Waterboards; Shelton, Brad@Waterboards
Cc: Greg Schlick; Hold, Howard@Waterboards; Kenny, Brendan@Waterboards
Subject: RE: Forward Landfill - Response to Comments - Board Meeting

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However, consistent with legal procedure governing the adoption of WDRs orders, the only substantive changes that were made to the Order were made in direct response to comments that the Board received during the public comment periods. These changes have been documented in the "Response to Comments" document included in the agenda package for this item. All other changes were non-substantive classifications and corrections of errata.

The "Compare Report" document provided by Brad Shelton on 9 February 2024 provides a color-coded list of changes between the draft and final versions of the tentative Order. This message is to inform you that Board management still plans on conducting a hearing on the tentative WDRs Order at the upcoming meeting. At the hearing, you are free to provide oral comments to the Board concerning the tentative Order, and you will be given the opportunity to request the Board postpone consideration of this item prior to the start of the staff presentation.

Sincerely,

--

John T. Murphy, PG #9524, CHG #1092
Supervising Engineering Geologist
Permitting-Title 27 Program Manager

From: m.laforge laforgefamilyent.com <m.laforge@laforgefamilyent.com>
Sent: Friday, February 9, 2024 4:11 PM
To: Gisi, Stephani M.@Waterboards <Stephani.Gisi@Waterboards.ca.gov>; Maxwell, Mindy@Waterboards <Mindy.Maxwell@Waterboards.ca.gov>; Baum, John@Waterboards <John.Baum@Waterboards.ca.gov>; Murphy, John@Waterboards <John.Murphy@Waterboards.ca.gov>; Shelton, Brad@Waterboards <Brad.Shelton@waterboards.ca.gov>
Cc: Greg Schlick <gregschlick@gmail.com>; Hold, Howard@Waterboards <Howard.Hold@waterboards.ca.gov>; Kenny, Brendan@Waterboards <Brendan.Kenny@waterboards.ca.gov>
Subject: Forward Landfill - Response to Comments - Board Meeting

EXTERNAL:

From: Greg Schlick <gregschlick@gmail.com>
Sent: Friday, February 9, 2024 4:29 PM
To: m.laforge laforgefamilyent.com
Subject: Fwd: Forward Landfill - Response to Comments - Board Meeting
Attachments: forwardlf_rtc.pdf; forward_ff_wdr (1).pdf

Hello Ms Gisi and Waterboard commissioners,

I would respectfully, but adamantly, request a postponement of Agenda item #10 (Forward Landfill WDRs) for the February 16th Central Valley Water Regional Control Board meeting. While reviewing the information Ms. Gisi provided to us on (Feb.6, 2024) in this email we found a significant procedural error that needs time for us and other ranchers and citizens that live near the Forward landfill to understand. The Forward Landfill WDR that was sent to us by the California State Waterboard in October and was addressed in November by us and others is different from the "new" WDR found on your website. Ms. Gisi references the website version for this hearing. This meeting is being called to address this WDRs and now we find out there is an alternate version on your website:

[fwd_lf_wdr.pdf \(ca.gov\)](#)

The version that was sent to us is attached. Both have the exact same title, usually they would have a draft number or date associated with the file, but not these. We got lucky when we spotted the different files. One file has 113 pages, the other 107 pages. Those are some significant changes.

We, at Lynch Road Ranch are not looking to stop this project from moving forward, but we do want to make sure that it is done safely and takes into account the farms and disadvantaged communities that it is near. On first glance, it seems like some regulatory, permitting and enforcement actions may have been removed. That is of serious concern. We are farmers and lay persons and we can not go through a 100 plus page document in less than a week, so we respectfully request a postponement to Agenda Item #10 (Forward landfill WDRs) from your upcoming board meeting.

We ask that all the most current documents be examined, evaluated and uploaded to the California waterboards website so they can be reviewed by the community prior to having a decision made by the board on adopting these Waste Discharge Requirements. We all saw the high profile Tesla hazardous waste disposal case that was heard in Stockton recently and the fines that are levied upon Tesla. There is a high likelihood that some of that material ended up in the Forward landfill. We really need to err on the side of caution, this is a very high profile issue currently.

Thanks for your time.

----- Forwarded message -----

From: **Gisi, Stephani M.@Waterboards** <Stephani.Gisi@waterboards.ca.gov>
Date: Tue, Feb 6, 2024 at 9:12 AM
Subject: Forward Landfill - Response to Comments - Board Meeting
To: m.laforge@laforgefamilyent.com <m.laforge@laforgefamilyent.com>
Cc: Greg Schlick <gregschlick@gmail.com>, Kenny, Brendan@Waterboards <Brendan.Kenny@waterboards.ca.gov>, Hold, Howard@Waterboards

From: m.laforge laforgefamilyent.com
Sent: Friday, February 9, 2024 5:29 PM
To: Maxwell, Mindy@Waterboards
Cc: Greg Schlick
Subject: RE: Forward Landfill - Response to Comments - Board Meeting

Thank you. I appreciate that.

From: Maxwell, Mindy@Waterboards <Mindy.Maxwell@Waterboards.ca.gov>
Sent: Friday, February 9, 2024 5:24 PM
To: m.laforge laforgefamilyent.com <m.laforge@laforgefamilyent.com>
Cc: Greg Schlick <gregschlick@gmail.com>
Subject: RE: Forward Landfill - Response to Comments - Board Meeting

Yes, I will ensure this is communicated accurately. Thank you for forwarding!

Mindy

Mindy J. Maxwell
Executive Assistant to Patrick Pulupa and the Regional Board
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
(916) 464-4839 (office)
(916) 709-6102 (mobile)
Email: Mindy.Maxwell@waterboards.ca.gov



From: m.laforge laforgefamilyent.com <m.laforge@laforgefamilyent.com>
Sent: Friday, February 9, 2024 4:20 PM
To: Maxwell, Mindy@Waterboards <Mindy.Maxwell@Waterboards.ca.gov>
Cc: Greg Schlick <gregschlick@gmail.com>
Subject: RE: Forward Landfill - Response to Comments - Board Meeting

EXTERNAL:

Ms Maxwell,

As per our discussion, can you please forward this email to all the Board members to consider current procedural mishaps and events and our request for postponement, which we believe have merit.

Reference 1

m.laforge laforgefamilyent.com

From: Gisi, Stephani M.@Waterboards <Stephani.Gisi@Waterboards.ca.gov>
Sent: Tuesday, February 6, 2024 10:12 AM
To: m.laforge laforgefamilyent.com
Cc: Greg Schlick; Kenny, Brendan@Waterboards; Hold, Howard@Waterboards; Shelton, Brad@Waterboards; Murphy, John@Waterboards
Subject: Forward Landfill - Response to Comments - Board Meeting
Attachments: forwardlf_rtc.pdf

Hello Mr. LaForge,

Please refer to the agenda schedule for the 16th February Board Meeting (https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/2402/).

Instructions on how to participate in this meeting are located under "How to Attend This Meeting" section. Please send an email request no later than 5:00 PM on Thursday, February 15th.

The Forward Landfill WDR and MRP documents are also available online as well as a Summary Response to Comments document (see attached) addressing the comments submitted to the Central Valley Water Board during three previous Tentative WDR public comment periods.

Best,

Stephani Gisi
Water Resource Control Engineer
Title 27 Permitting and Mining Unit
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, California 95670

Reference 5, p 6 of 6

under State Water Board Order WQ 2020-0012-DWQ-R5S013, General Waste Discharge Requirements for Commercial Composting Operations. A Notice of Applicability was issued on DD-MM-2023 14 02 2024.

8. Add date in B. Discharge Specifications, item 13:

13. Discharge of cannery wastes to the LAA or the surface impoundments shall not degrade groundwater or cause or contribute to condition of pollution and/or nuisance as those terms are defined in Water Code section 13050. Discharge of cannery rinsate to the compost facility shall be regulated by WQ 2020-0012-DWQ-R5S013 NOA dated DD-MM-2023 14 02 2024.