

DRAFT

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. **R5-2026-XXXX**

FOR

FORWARD, INC. AND REPUBLIC SERVICES, INC.

FOR

FORWARD LANDFILL FACILITY
SAN JOAQUIN COUNTY

This Cleanup and Abatement Order (Order) is issued to Forward, Inc. and Republic Services, Inc. (hereafter collectively referred to as Discharger) based on provisions of California's Porter-Cologne Water Quality Control Act (Water Code) section 13304, which authorizes the Central Valley Regional Water Quality Control Board (Central Valley Water Board) to issue an order requiring the cleanup and abatement of wastes, and Water Code section 13267, which authorizes the Central Valley Water Board to require the preparation and submittal of technical and monitoring reports.

The Executive Officer finds, with respect to the Discharger's acts, or failures to act, the following:

1. Forward, Inc., an Arizona corporation and subsidiary of Republic Services, Inc., a Delaware corporation, owns and operates Forward Landfill, located at 9999 S. Austin Road, Manteca, California (the Facility), a municipal solid waste landfill, and is responsible for all Facility operations. As the owner and operator of the Facility, the Discharger is responsible for all Facility wide activities that resulted in the discharge and threatened discharges described herein and had and has the legal ability to prevent the discharges from occurring. The Discharger also has a legal obligation to remediate the conditions at the Facility described herein and prevent additional waste discharges.
2. In order to abate the discharge of waste at the Facility, this Order requires compliance with Waste Discharge Requirements Order R5-2024-0002 (WDRs), including the WDRs' Monitoring and Reporting Program (MRP), Title 27 of the California Code of Regulations (Title 27), and the investigation and cleanup of waste in compliance with the WDRs, Title 27, California Water Code, the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan), consistent with State Water Resources Control Board (State Water Board) Resolution No. 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges (Resolution 92-49), and other applicable State and Central Valley Water Board plans, policies, and regulations. Unless expressly stated otherwise, nothing in this Order supersedes any prior directives issued by the Central Valley Water Board or the State Water Board, and this Order does not resolve any violations that have occurred as of the issuance of this

Order.

3. This purpose of this Order is to address the ongoing discharge or threat or discharge of waste caused by compliance issues at the Facility identified by Central Valley Water Board staff either through review of technical and monitoring reports, observations during numerous site inspections, as well as self-reporting of violations by the Discharger. The specific compliance issues resulting in the discharge or threat of discharge of waste include the following:
 - a. The release and detection of landfill gas and volatile organic compounds (VOCs) within the vadose zone as well as the underlying aquifer(s). Failure to implement post closure maintenance on closed parts of the Facility required by Section 21090 of Title 27 as well as the failure to either maintain the proper thickness of interim cover or daily cover required by Section 20705 of Title 27.
 - b. Failure to properly characterize waste prior to placement into a classified unit as required by Section 20200(c) of Title 27.
 - c. Failure to maintain and meet the standards outlined for precipitation and draining controls outlined in Section 20365 of Title 27.
4. Standard Provision K.4 in the Standard Provisions and Reporting Requirements For Waste Discharge Requirements for Industrial Facilities Regulated by Title 27, effective December 2015 (Standard Provisions and Reporting Requirements), states: *“The owner of the waste management facility shall have the continuing responsibility to assure protection of waters of the state from discharged wastes and leachate generated by discharged waste during the active life, closure, and any post-closure maintenance period of the waste management units and during subsequent use of the property for other purposes.”*
5. This Order memorializes the currently known facts regarding discharges from the Facility, and requires compliance with applicable State and Federal regulations, State Water Board policies and the adopted WDRs.
6. According to the California Office of Environmental Health Hazard Assessments screening tool, CalEnviroScreen Version 4.0, the Facility is located within a community that has a score of 91-100%, indicating one of the highest levels of cumulative pollution burden and community vulnerabilities in the state.
7. Nothing herein relieves the Discharger of the previously imposed obligation to create an Evaluation Monitoring Program (EMP).

FACILITY LOCATION AND DESCRIPTION

8. The Facility is a municipal solid waste landfill covering approximately 744 acres, of which 388 acres are permitted for disposal activities, located approximately seven miles southeast of Stockton in San Joaquin County, as shown in Attachment A of the WDRs, which is incorporated herein and made part of this Order by reference.

The Facility is located on San Joaquin County Assessor's Parcel Numbers (APNs) 181-150-07, 181-150-08, 181-150-09, 181-150-010, 201-060- 01, 201-060-02, 201-060-03, 201-060-04, 201-060-05 and 201-070-01.

9. Land usage surrounding the Facility includes agricultural to the east, west and south and residential and commercial to the north including a California Department of Corrections and Rehabilitation (CDCR) complex and commercial warehouses.
10. Groundwater near the Facility flows to the northeast, with some seasonal variation to the north, east and west. Factors influencing groundwater flow include agricultural supply wells, domestic supply wells, recharge from Little Johns Creek, the artificial recharge basin that Discharger discharges treated groundwater into, and the stormwater conveyance systems and percolation ponds at the Facility and adjacent CDCR complex.
11. The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference plans and policies adopted by the State Water Board. Storm water from the Facility drains to the North Fork and South Fork of Little Johns Creek. The designated beneficial uses of the Little Johns Creek, as specified in the Basin Plan, are municipal and domestic supply; agricultural irrigation supply; water contact recreation, including canoeing and rafting; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; warm and cold migration of aquatic organisms; warm and cold spawning, reproduction, and/or early development; and wildlife habitat. The designated beneficial uses of the groundwater, as specified in the Basin Plan, are domestic and municipal water supply, agricultural supply, industrial service supply, and industrial process supply.
12. Title 27 requires the Discharger to institute a detection monitoring program for each waste management unit (WMU) and an evaluation monitoring program whenever there is "measurably significant" evidence of a release from a WMU during a detection monitoring program.
13. The Facility consists of historically two separate landfills, each with multiple WMUs, each with their own individual specifications and requirements as outlined in the WDRs. The two neighboring landfills are identified by the Discharger as the Austin Road Landfill, and the Forward Landfill, respectively. On 13 November 2019, WMU FU-19¹ was completed by welding the two liner systems, Forward and Austin Road units, together. WMU FU-19 ties into the southern side of WMUs FU-06, FU-08, FU-10, and FU-14 together with the northern side of WMU D-02, D-93, and D-95. (Attachment 1)
14. The combined landfill now contains more than 30 individual WMUs including the Austin Road Unit (formerly the Austin Road Landfill) which is 123.9 acres. The

¹ The Discharger's format for naming for the individual WMUs within the landfill is "future units-year that the WMU was built" (e.g., FU-24).

Austin Road Unit was filled with solid and industrial liquid waste without an engineered liner. As a result, there is no barrier to prevent liquids from migrating downward to the underlying aquifer. The Austin Road Unit is now overlain by lined units referred to as "Future Units FU-04, 05, 06, 08, 10, 13, 14". Future Units FU-04, -05, -06, -08, -10, -13, and -14 are synthetically lined and contain leachate collection and removal systems.

15. WMU A, at Forward Landfill, is a closed Class I unit that accepted approximately 320,000 cubic yards of hazardous waste consisting of barium/strontium sludge from mining operations in addition to other wastes such as drilling muds and contaminated soils from 1979 to 1984 and was closed under the direction of DTSC in 1989. WMU A covers 8 acres, consists of four trenches with compacted clay liners and a dendritic leachate collection and removal system. The post-closure maintenance period is under the oversight of the Department of Toxic Substance Control (DTSC) and United States Environmental Protection Agency (USEPA). WMU A is regulated by Hazardous Waste Post Closure Facility Permit EPA ID No. CAD990794133.

Current Regulatory Requirements

16. On 16 February 2024, the Central Valley Water Board issued the WDRs and MRP. The WDRs prescribe conditions that must be met prior to construction of Class II WMUs and the discharge of waste into completed Class II WMUs at the Facility. The WDRs also implement:
- a. The Basin Plan.
 - b. The standards for Water Quality Monitoring and Response Programs for Solid Waste Management Units are outlined in Subchapter 3, Article 1 of Title 27, California Code of Regulations, specifically:
 - Section 20385 (a.1, 2, 3, and 4) of Title 27 which specifies monitoring programs and their respective triggers. These programs include Detection Monitoring (default), Evaluation Monitoring (trigger 1), Evaluation Monitoring (trigger 2), and Corrective Action Program.
 - Section 20420 of Title 27 which specifies requirements for Detection Monitoring Program including standards for water quality monitoring systems, monitoring parameters and frequency, data analysis, determination and notification of a release, and proposing an evaluation monitoring program. Section 20425 of Title 27 specifies requirements for an evaluation monitoring program including standards for water quality monitoring systems, monitoring parameters and data requirements needed to define the vertical and lateral extent of contamination as well as

implementing interim corrective actions.

- Section 20430 of Title 27 which specifies requirements for the Corrective Action Program. Section 20430(c) states, *“The Discharger shall implement corrective action measures that ensure COCs achieve their respective concentration limits at all Monitoring Points and throughout the zone affected by the release, including any portions thereof that extend beyond the facility boundary, by removing the waste constituents or treating them in place. The Discharger shall take other action approved by the RWQCB to prevent noncompliance with those limits due to a continued or subsequent release from the Unit, including but not limited to source control. The WDRs shall approve the specific measures that will be taken.”*
- c. The prescriptive standards and performance goals for WMU design and operation are outlined in Chapters 1 through 7 Subdivision 1, Division 2, Title 27, of the California Code of Regulations.
- d. The prescriptive standards and performance criteria of RCRA Subtitle D, Parts 257 and 258.
- e. Resolution No. 92-49.
- f. State Water Resources Control Board Resolution No. 93-62, *Policy for Regulation of Discharges of Municipal Solid Waste*, adopted 17 June 1993.
- g. Assembly Bill 685 which declares that every person in the state has a right to clean, safe, and affordable drinking water.

ALLEGED VIOLATIONS ASSOCIATED WITH THE GROUNDWATER AND LANDFILL GAS MONITORING PROGRAMS

Identifying a Release(s) to Groundwater

17. The detection of any VOCs in any monitoring well at the Facility’s Point of Compliance (POC)² or beyond is a violation of Standard Prohibition C.3 of the WDRs, which states, “The discharge of wastes outside of a waste management unit or portions of a unit specifically designed for their containment is prohibited,” and Standard Prohibition C.6, which states, “The discharge of waste constituents to the unsaturated zone or to groundwater is prohibited.”
18. VOCs are not naturally occurring at the Facility and have no background value.

² For the purposes of this Order, the POC shall be the vertical surface located at the edge of the WMU that extends through the uppermost aquifer underlying the unit.

They are not amenable to the statistical analysis procedures contained in Title 27 for the determination of a release of wastes from a landfill unit. Title 27, sections 20415(e)(8) and (9), allow the use of a non-statistical evaluation of monitoring data that will provide the best assurance of the earliest possible detection of a release from a landfill unit in accordance with Title 27, sections 20415(b)(1)(B)2.-4. The Water Quality Protection Standard in the WDRs and Title 27 for non-naturally occurring constituents including VOCs is non-detect.

19. For a naturally occurring constituent of concern, Title 27 requires concentration limits for each constituent of concern be determined as follows: a). By calculation in accordance with a statistical method pursuant to Title 27, section 20415(e)(8); or b). By an alternate statistical method meeting the requirements of Title 27, section 20415(e)(8)(E). A release can be identified by either the detection of a VOC above the method detection limit, or when there is a statistically significant increase in concentration compared to the established background values for inorganic compounds. When applying groundwater statistics to monitoring results from a landfill's detection monitoring program, typically an inorganic constituent will be detected prior to the detection of a VOC.

Regulatory Responses to Previously Detected Releases to Groundwater

20. VOCs were first detected in groundwater downgradient of the unlined Austin Road Unit in 1989, and by 1991 evaluation monitoring determined that chlorinated hydrocarbon impacts extended as far as 1,000 feet downgradient of the Facility. A corrective action plan was approved for implementation in August 1991.
21. By 1998 it was apparent that the initial corrective actions were not sufficient because VOCs were still detected downgradient from the Facility and accordingly the corrective action plan was amended. The revised corrective action plan included the following proposed actions: a). Enhance landfill gas control system to prevent further release of VOCs from the Facility; b). Continued groundwater extraction and treatment with existing extraction wells; c). Implementation of a groundwater artificial recharge system using treated water; d). Additional groundwater monitoring wells to monitor the effectiveness of the corrective action and determination of the need for modifications; and e). Install an interim cover over Austin Road Landfill Unit 1. As a result of this detection, the Discharger began supplying replacement water to two households along Austin Road, just northeast of the Facility.
22. In 2000, Forward purchased the Facility and requested six months to re-evaluate groundwater impacts and resubmit an Engineering Feasibility Study (EFS) with a revised corrective action plan. The EFS was submitted in 2001 and Central Valley Water Board staff determined that the EFS was incomplete.
23. In 2002, the Central Valley Water Board concurred with a corrective action plan to

close the Austin Road Landfill, expand the landfill gas extraction system, and construct a new groundwater treatment system to remediate impacted groundwater that was then known to extend approximately 4,000 feet downgradient/northeast of the Facility.

24. In August 2005, the Central Valley Water Board notified the Discharger that the proposed corrective actions had not been fully implemented and that the groundwater monitoring network was deficient.
25. In 2007 Central Valley Water Board staff received notification from the Department of Health Services that concentrations of VOCs above the applicable maximum contaminant level (MCL) had been detected in the drinking water system at the CDCR California Youth Authority complex just north of the landfill. As a result, on 8 December 2008 the Executive Officer issued Cleanup and Abatement Order R5-2008-0714 (2008 CAO). The 2008 CAO required the Discharger implement an EMP in an effort to define the lateral and vertical extent of groundwater impacts downgradient of the Facility, provide an alternate source of drinking water to certain landowners with a municipal or domestic well that had a confirmed detection of VOCs, implement source control to prevent VOCs from migrating past the Facility's POC, enhance the Facility's landfill gas and groundwater monitoring programs, and submit quarterly progress reports.
26. The Discharger began its efforts to comply with the 2008 CAO by addressing the requirement to provide replacement water for the CDCR California Youth Authority complex. This was done by extending the City of Stockton's drinking water supply line. The Discharger also began supplying replacement water to two households near the Facility on Austin Road. The Discharger implemented an EMP in which numerous wells were installed; however, none of the wells were at the downgradient edge of the plume, nor did the Discharger continuously monitor these wells. Regarding source control and remedial actions, the Discharger installed an additional groundwater extraction well and multiple landfill gas extraction wells between 2008 and 2011. The groundwater treatment system consisted of an air stripper and a recharge basin. The system was designed to treat up to 305 gallons per minute (gpm). However, during 2015 and 2016 the Discharger was only extracting and treating between 110 and 206 gpm. During that time the plume continued to migrate past the POC, and impacted other domestic wells, which were previously thought to be outside of the plume.
27. Upon review of the Discharger's 2015 groundwater data for VOCs, as well as inorganics, it was apparent that additional remedial action was needed to address the contamination continuing to migrate to the underlying aquifer. Following the issuance of a 13267 Order in 2016 and numerous collaborative discussions with the Discharger, on 10 April 2017, the Executive Officer issued a second CAO, R5-2017-0703 (2017 CAO), to the Discharger. The 2017 CAO requires additional investigation to fully delineate the vertical and lateral extent of the plume and a

proposal for a remedial action capable of stopping further migration of VOC impacted groundwater beyond the point of compliance as well as restoring the beneficial uses of groundwater in all zones affected by the release for the entire plume no later than **1 July 2023**. The Discharger has not fully complied with the 2017 CAO.

28. In response to the 2017 CAO, the Discharger installed additional groundwater monitoring wells to the **north** of the Facility to define not only the lateral extent but also the vertical extent of contamination. The Discharger made improvements to the groundwater extraction and treatment system to increase capacity and installed an additional groundwater extraction well at the POC and the treatment system was switched from an air stripper to granular activated charcoal (GAC) vessels and is expandable. Based on the 1st Quarter 2025 monitoring report, the Discharger is extracting and treating approximately 511,544 gallons of groundwater per day or 355 gpm. Even with these efforts, the release of these pollutants is ongoing, and the Discharger has not adequately defined the plume vertically and laterally. The current groundwater extraction system now consists of five groundwater extraction wells at the downgradient boundary of the Austin Road Unit. VOCs are still detected above detection limit and in multiple instances the concentrations are above the applicable MCL in wells downgradient of the POC.

Exceedance of Water Quality Protection Standards East of the Facility

29. In 2018 Central Valley Water Board staff evaluated the groundwater monitoring data submitted by the Discharger. The data showed a continued increase in inorganic concentrations at levels above the Water Quality Protection Standard (WQPS) for groundwater presented in the WDRs as well as the presence of VOCs, some of which historically had not been detected at the landfill. This condition supports an ongoing release or a separate release from another waste management unit at the landfill. Consequently, on 9 May 2018, the Central Valley Water Board issued a Notification of Release (NOR) to the Discharger for ongoing VOCs and inorganic constituent impacts to groundwater. Below is the data included in the NOR issued to the Discharger.

Groundwater Exceedances reported by the Discharger

Constituent	MW-10	MW-16	MW-17	MW-21
Barium (mg/l)	0.350	0.360	0.210	0.300
Bicarbonate (mg/l)	440	530	440	570
Calcium (mg/l)	98	89	110	90

Constituent	MW-10	MW-16	MW-17	MW-21
Magnesium (mg/l)	48	44	50	45
1-1-Dichloroethane (µg/l)	0.32	<0.11	<0.11	<0.11
Carbon Tetrachloride (µg/l)	<0.18	<0.18	4.2	<0.18
Chloroform (µg/l)	<0.12	<0.12	4.5	<0.12
Dichlorodifluoromethane (µg/l)	0.21	<0.099	<0.099	0.65
Diisopropyl Ether (µg/l)	<0.23	4.2	<0.23	<0.23
Methyl t-Butyl Ether (µg/l)	.12	<0.11	<0.11	<0.11
Tetrachloroethene (µg/l)	<0.13	<0.13	<0.13	0.51
Trichlorofluoromethane (µg/l)	<0.13	<0.13	0.44	<0.13

30. To address the groundwater impacts, the NOR directed the Discharger to submit, by 1 July 2018 a proposal for establishing an EMP, interim corrective action measures to mitigate the release and a schedule for implementing the EMP and Corrective Action Measures in accordance with the WDRs and Sections 20415 and 20425 of Title 27.

31. On 29 June 2018, the Discharger submitted the Forward Unit Evaluation Monitoring and Corrective Action Workplan (Workplan). The Workplan stated that the presence of a range of VOCs both upgradient and downgradient of the Forward Unit, and the types of inorganic constituents identified in groundwater monitoring well MW-10, suggest that the primary source of the exceedances is related to landfill gas. The Workplan proposed to connect a series of landfill gas extraction wells (F15R-1 through F15R-4) in WMU-93 and WMU-95 and utilize existing landfill gas probes and groundwater monitoring probes to evaluate the nature and extent of the release. The Workplan was implemented in August 2018. However, VOCs are still detected in groundwater monitoring wells down gradient of the WMU.

32. On 24 September 2018, the Discharger submitted a response to DTSC for concentration limit exceedances for several organics and inorganics identified in groundwater monitoring wells associated with WMU-A. In their "Revised

Alternative Source Demonstration”, the Discharger stated that concentration limit exceedances for organics and inorganics including carbon tetrachloride and chloroform in groundwater monitoring wells MW-17, -18, and -19 were not from WMU-A, but may be associated with inactive waste management units Forward Units WMU-93 and WMU-95 upgradient of WMU-A. All units upgradient of WMU-A are regulated by the Central Valley Water Board under the WDRs. Therefore, this Order requires the Discharger to investigate the source of the release.

Volatile Organic Compounds Reported in Groundwater Monitoring Wells East Side of the Facility.

33. On 19 April 2023, as part of the Facility’s expansion plan, Central Valley Water Board staff approved a workplan to install monitoring wells along the northeast area of the Facility such that POC wells would be in place.
34. On 1 September 2023, the Discharger submitted a groundwater monitoring well installation report for groundwater monitoring wells AMW-54, AMW-55, AMW-56, AMW-57S and AMW-57M, all of which were installed between 31 May and 8 June 2023. The report described the well installation and development activities. However, the report did not contain initial or subsequent groundwater sampling results for each monitoring well, which Central Valley Water Board staff later learned had been sampled five consecutive times prior to the submittal of the groundwater monitoring well installation report.
35. On 6 October 2023, Central Valley Water Board staff issued a Notice of Violation (NOV) to the Discharger for failing to comply with Standard Monitoring Specifications and Response to a Release Specifications listed in Sections I and J of the Standard Provisions and Reporting Requirements. The specifications require the Discharger to provide written notification of the Release to the Central Valley Water Board within seven days.
36. On 6 October 2023, Central Valley Water Board staff issued an NOR to the Discharger for VOC impacts to groundwater samples collected in newly installed groundwater detection monitoring well AMW-56 (Figure 1, attached). This area is directly downgradient of the area that was previously issued an NOR, in May 2018 (see Finding 29, above). The Table below shows the constituents and concentrations:

AMW-56 VOC Concentrations

Sample Date	1,1 DCA µg/l	Cis- 1,2- DCA µg/l	Trans-1,2 DCE µg/l	1,2 Dichloropropane µg/l	PCE µg/l	TCE µg/l
29 June 2023	1.7	1.5	0.17 J	0.26 J	2.2	2.7
14 July 2023	1.4	7.0	<0.5	0.20 J	1.8	2.2

DRAFT CLEANUP AND ABATEMENT ORDER R5-2026-XXXX

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SAN JOAQUIN COUNTY

Sample Date	1,1 DCA µg/l	Cis- 1,2- DCA µg/l	Trans-1,2 DCE µg/l	1,2 Dichloropropane µg/l	PCE µg/l	TCE µg/l
28 July 2023	1.3	6.6	0.17 J	0.21 J	2.2	2.5
11 Aug 2023	1.7	9.5	0.25 J	0.32 J	3.0	3.2
25 Aug 2023	1.6	8.6	0.25 J	0.34 J	3.2	3.8
11 Sept 2023	2.3	12	0.33 J	0.43 J	3.8	4.5
24 Sept 2023	2.2	11	0.34	0.41	3.0	3.7
10 Nov 2023	2.0	9.8	0.28	0.34	3.3	3.6
29 Jan 2024	1.2	9.1	0.29	0.42	3.8	4.0
13 May 2024	1.1	5.9	0.17	0.22	2.7	2.6
1 Aug 2024	0.88				2.8	2.5
WDR Concentration Limit (µg/l)	Non- Detect	Non- Detect	Non- Detect	Non- Detect	Non- Detect	Non- Detect
Lowest Water Quality Objective (µg/l)	PHG = 3.0	MCL = 6.0	MCL = 10	PHG = 0.5	PHG = 0.06	PHG = 1.7
MCL (µg/l)	5.0	6.0	10	5.0	5.0	5.0
MCL Goal (µg/l)	NE	70	100	0.0	0.0	0.0

37. The NOR required the Discharger to submit an EMP to define the source and extent of all compounds attributed to the release in accordance with Section 20420 of Title 27.
38. On 27 October 2023, the Discharger submitted the EMP, which proposed that the source of the groundwater impacts was the unlined Austin Road Unit and recommended the installation of five additional groundwater monitoring wells to monitor groundwater quality. However, the investigation proposed in the EMP was not sufficient to ascertain if the source of VOCs was from the Austin Road Unit, WMU at Old Forward or a Future Unit more recently constructed.
39. On 29 February 2024, the Central Valley Water Board issued a Water Code Section 13267 Order (13267 Order) to address the incomplete EMP. The 13267 Order required a revised EMP to be submitted no later than 9 May 2024.
40. On 9 May 2024, the Discharger submitted the revised EMP for the Eastern POC to address the release. The Discharger proposed an initial phase of field work to:
- (1) Identify constituents of concern;
 - (2) Delineate the extent of the identified COCs

and their potential pathways throughout the vadose zone and affected water-bearing zones; (3) Sample a limited number of the onsite groundwater supply wells; (4) Sample off-site groundwater supply wells; (5) Install additional soil vapor and groundwater monitoring wells; (6) Install an additional groundwater extraction well along the Eastern boundary of the Facility; and (7) Develop a public outreach program.

41. Central Valley Water Board Staff have evaluated the EMP and Resolution 92-49 and determined that additional information, beyond the scope of work proposed in the EMP, is necessary to complete the hydrogeological investigation and develop an Engineering Feasibility Study as required by Section 20425 of Title 27. Therefore, this Order requires the Discharger to implement its proposal, as well as to:

- a) Sample all onsite groundwater supply wells.
- b) Conduct a vapor intrusion study, following the joint State Water Board and DTSC guidance for vapor intrusion study for all offices, residences, and regularly occupied structures that overlie any part of the plume (including the newly defined portion of the plume).
- c) Evaluate and optimize all existing corrective action systems (e.g., landfill gas extraction, and groundwater pumping and treatment).
- d) Investigate potential source areas/WMUs that also include temporary and permanent leachate sumps, condensate lines at individual WMUs.
- e) Investigate and define subsurface lithology of the vadose zone, the extent of water-bearing zones and intervals within each aquifer zone.
- f) Evaluate and enhance the landfill gas monitoring network at the POC around "Old Forward WMUS" and the east side of the Austin Road Unit, FU-23, FU-24 Phase 1 and Phase 2, and if gas is detected leaving the Unit, then enhance the landfill gas extraction system capabilities.
- g) Define the entire vertical and lateral extent of the groundwater plume for COCs east of the Facility as outlined in Section B.4.e of the MRP.
- h) If necessary, upon receipt of data from the EMP Investigation, provide replacement water for those residents that have yet to be provided clean, safe drinking water.
- i) Incorporate all new monitoring wells (vadose zone as well as groundwater) into the monitoring program for the Facility.

- j) Enhance the groundwater extraction system to capture the entire plume(s).
- k) Maintain and operate all corrective action systems such that for landfill gas there is a measurable negative pressure throughout the entire unit. For a groundwater extraction system there shall always be a measurable inward gradient (0.01 ft), measured from all wells within the plume itself.
- l) Achieve compliance with the background groundwater concentration limits for all current constituents of concern that are above that permitted value.

ALLEGED VIOLATIONS ASSOCIATED WITH FACILITY OPERATIONS

Cover Damage & Repair

- 42. Section 20700(a) of Title 27 – Intermediate Cover states: *“Compacted earthen material of at least twelve (12) inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 180 days to control vectors, fires, odors, blowing litter, and scavenging.”*
- 43. On 9 April 2024, Central Valley Water Board staff inspected the Facility and observed exposed waste and areas of ponding on top of WMUs North FU-06, -08, -10, -13, and -14 which were previously inactive.
- 44. On 18 April 2024, Central Valley Water Board staff issued an NOV to the Discharger for the exposed waste. The NOV required the Discharger to immediately restore the cover and submit a report no later than 1 May 2024 demonstrating that the cover had been restored to the requirements in the WDRs. Additionally, the NOV required the Discharger to submit waste characterization data for medical waste observed. The Discharger did submit the required waste characterization data documenting that the waste had been treated prior to disposal. However, the Discharger did not submit the required report on 1 May 2024 certifying that the daily cover had been restored and waste was no longer exposed.
- 45. On 3 May 2024 and 19 November 2025, Central Valley Water Board staff re-inspected the cover and found waste still exposed on WMUs FU-06, -08, -10, and -13. Additional areas of exposed waste and areas of settlement were observed on WMUs ART-03, FU-03, -04, -05, and -06.
- 46. On 29 April 2026 the Discharger submitted a workplan to demonstrate the intermediate cover thickness and slope grade comply with Section 20700(a) of Title 27. Additionally, on 29 April 2026, the Discharger proposed revisions to the EMP submitted on 9 May 2024. The proposed EMP revisions included installation of an in-situ groundwater reactive barrier and revised groundwater monitoring well

locations. Central Valley Water Board staff approved the landfill cover thickness demonstration workplan on 14 May 2026. Therefore, this Order requires the Discharger to amend the EMP submit the results of the intermediate cover field investigation and implement corrective actions as necessary.

Improper Characterization of Waste

47. Section 20200(c) of Title 27 – waste characterization states: *“Dischargers shall be responsible for accurate characterization of wastes, including determinations of whether or not wastes will be compatible with containment features and other wastes at a Unit under ¶(b), and whether or not wastes are required to be managed as hazardous wastes under Chapter 11 of Division 4.5 of Title 22 of this code.”*
48. Prohibition A.1. of the WDRs states: *“‘Hazardous Waste,’ as defined per Title 23, section 2601, shall not be discharged at the Facility. The Department of Toxic Substances Control (DTSC) shall be immediately notified of any such discharges in violation of this Order”*. As discussed immediately below, this Facility has a history of accepting hazardous waste, even though this is prohibited by the WDRs.
49. On 2 March 2018, Central Valley Water Board staff issued an NOV to the Discharger for accepting hazardous waste from a Union Pacific Railroad cleanup action. The NOV required the Discharger to remove all illegally placed hazardous waste by 15 April 2018. The Discharger has not complied with the NOV and the hazardous waste remains in place at the Facility.
50. On 4 June 2020, Central Valley Water Board staff issued an NOV to the Discharger for the acceptance of hazardous waste from the Alco Iron and Metal Company. The NOV required the Discharger to submit a plan to remove all illegally placed hazardous waste by 6 July 2020 and to remove the hazardous waste no later than 31 August 2020. The Discharger has not complied with the NOV and the hazardous waste remains in place at the Facility.
51. On 3 April 2024, Central Valley Water Board staff issued an NOV to the Discharger for accepting improperly characterized waste from Tesla, Inc. (Tesla). The NOV required the Discharger to comply with the WDRs and submit a report no later than 6 May 2024 documenting how the waste was removed or explaining why the waste cannot be removed and provide updates to their waste acceptance program necessary to prevent re-occurrence. On 6 May 2024, the Discharger responded to the NOV and requested that the NOV be rescinded. The request stated the following: *“The reasons we ask the NOV be rescinded include, in summary: (1) the waste received from the Tesla Campus was not hazardous under either RCRA or DTSC regulations; (2) the Tesla waste was deposited by Tesla in a container used for the collection and disposal of non-hazardous*

municipal solid waste ('MSW'); (3) the Tesla waste was delivered to a third-party transfer facility where it was commingled with other MSW before it was possibly delivered to the landfill in a transfer van load of what was (and reasonably believed by Forward to be) MSW; (4) neither Tesla nor anyone else contacted Forward before the disposal of the transfer van load at the landfill early on the morning of January 22, 2024, indicating that there may have been some small amount of hazardous material in the Tesla MSW waste; (5) when Forward was first notified by Tesla later on the afternoon of January 22, 2024, of the potential that some small amount of hazardous material may have been disposed of at the landfill, and that this material had been placed in a plastic bag containing used gloves, painters tape and some caulking material, it was not practical for Forward to cordon off or to excavate the 4,000 tons of MSW that had already been disposed of that day in an effort to locate the plastic bag in question; and (6) any effort to excavate the waste mass in pursuance of such a search would have been in vain and likely have caused significant adverse environmental effects." Additionally, the response states, *"Furthermore, we believe no change in the landfill's waste acceptance criteria or hazardous waste screening procedures is warranted based on this event."*

52. After each occurrence of accepting improperly characterized waste or hazardous waste, the Discharger indicated that removal of the waste in question was not possible. Central Valley Water Board staff disagree. The Discharger's own Joint Technical Document for the site outlines the protocol for isolated noncompliant waste prior to final placement of the material. Rather than implement their own plan, Discharger made a business decision to leave the waste in place. In response to the NOV issued for this illegally placed material, Discharger provided a response on 6 May 2024 which presented the cost of removal to be \$600,000 but provided no supporting information. Therefore, this Order requires the Discharger to provide a formal engineering feasibility study, to support the \$600,000 estimate the Discharger claims it would cost to remove the recently placed Tesla waste.

Legal Basis of the Order

53. Water Code section 13304, subdivision (a), states, in relevant part, "any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit, any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. Upon failure of any person to comply with the cleanup and abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to

comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

54. “Waste” is defined by Water Code section 13050, subdivision (d), as, “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for the purpose of, disposal.”
55. “Pollution” is defined by Water Code section 13050, subdivision (l)(1), as, “an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) the waters for beneficial uses, (B) facilities which serve these beneficial uses.”
56. Cleanup and abatement are necessary to ensure that any existing condition of pollution is remediated, that threatened unlawful discharges of waste to waters of the state from the Facility are prevented, and that any impacts to beneficial uses are mitigated. The issuance of this Order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Central Valley Water Board and State Water Board.
57. Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted facility and requires that cleanup levels be consistent with State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Antidegradation Policy). Resolution 92-49 requires waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the State; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations proceed in a progressive sequence. To the extent practical, it directs the Central Valley Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

Technical Reports Required

58. Water Code section 13267, subdivision (a), provides that the Central Valley Water Board may investigate the quality of any water of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b), provides that the Central Valley Water Board, in conducting an

investigation, may require dischargers to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of these technical reports (described immediately below) shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The technical reports and monitoring required by this Order are necessary for the timely investigation and cleanup of VOCs in the vadose zone, groundwater and the protection of residents, farmers, and other businesses near the landfill and utilizing groundwater for domestic, agricultural and industrial supply. Therefore, there is a reasonable relationship between the cost of this work (described immediately below) and the need of these reports and the benefit to be gained by these reports, which will help ensure protection of the people, restoration of the impacted aquifer, and also ensure the Discharger maintains compliance with Title 27 and the WDRs.

59. The Planning, Coordination, Investigation and Construction Schedule Report (Report) requested by Central Valley Water Board staff is the only report required by this CAO that is outside the standard reporting and regulatory requirements set forth in the WDRs and Title 27. This Report satisfies Water Code section 13267's requirement to ensure the burden, including costs, of the requested Report bears a reasonable relationship to the need for the report and benefit obtained from the Report because the location of the release and the vertical and lateral extent of contamination in the aquifer have not been defined. The cost to investigate the source, define the extent of contamination and submit the report is estimated to be approximately \$250,000. Once the work and the report have been completed, a remedial system to contain and remediate the release can be designed and installed to prevent additional groundwater impacts to downgradient users.
60. Issuance of this Order is an enforcement action taken by a regulatory agency to enforce the regulatory provision of the Basin Plan and is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, Title 14, § 15321. This action may also be considered exempt because it is an action by a regulatory agency for the protection of natural resources (Cal. Code Regs., Tit. 14, § 15307) and an action by a regulatory agency for the protection of the environment (Cal. Code Regs., Tit. 14, § 15308). To the extent that the Order requires earth disturbing and revegetation activities not to exceed five acres in size and to ensure restoration of stream habitat and prevent erosion, such actions are considered exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, § 15333. Should additional environmental review be required in connection with future discretionary regulatory actions at this Facility, the Central Valley Water Board may recover the costs associated with preparing and processing environmental documents from the Dischargers (Pub. Resources Code, § 21089).

Required Actions

IT IS HEREBY ORDERED that pursuant to the citations above, including Water Code sections 13267 and 13304, Forward, Inc. and Republic Services, Inc., are jointly and severally required to cleanup and abate or take other necessary remedial action with respect to the discharge and threatened discharge of waste to waters of the state described herein and submit technical and/or monitoring reports described below. The following required actions must follow all applicable legal standards, including the requirements of Subchapter 3 - Water Monitoring in Title 27 as well as the Federal requirements in 40 CFR Subtitle D Section 258:

1) Public Health

- a) **Within 45 days from the date this Order is signed**, the Discharger shall submit an update to its 1 June 2017 Domestic Well Sampling Plan to identify and sample off-site wells: A plan to sample groundwater supply wells (domestic/agricultural) located two miles east of the Facility entrance at 9999 S. Austin Road. At a minimum, groundwater analysis shall include the 5-year constituents listed in Attachments B through F of the MRP.
- b) **Within 90 days from the date this Order is signed**, the Discharger shall begin implementing the plan and sample all ground water supply wells (domestic and agricultural as well as municipal wells), subject to the landowners' and/or purveyor's consent.
- c) **Within 150 days from the date this Order is signed** the Discharger shall submit a report of sampling results to Central Valley Water Board, the landowner/well user, and to the San Joaquin County Environmental Health Department. This report shall include a description of the sampling activities, the geographic position of each well (latitude and longitude coordinates obtained with a handheld GPS unit is acceptable), the well completion report (if available and not confidential), whether supplemental water has been provided, and documentation that the owners received the data for their well with an explanation of the results. The wells listed in the updated *Domestic Well Sampling Plan* shall continue to be sampled on a semi-annual basis unless Central Valley Water Board staff agrees in writing that there is no need to sample a specific well (e.g., if a well is outside the plume or poorly constructed). Semi-annual monitoring reports shall be submitted by **1 May and 1 November** of each year and shall contain the information listed in this paragraph.
- d) **Within 45 days from the date this Order is signed**, the Discharger shall submit the vapor intrusion study workplan, consistent with the State Water Resource Control Board and DTSC's guidance on Vapor Intrusion (<https://dtsc.ca.gov/vapor-intrusion/>) to conduct an investigation of exposure to all sensitive receptors living or occupying homes, offices, the CDCR complex, or other structures that overlie the plume.

- e) **Within 365 days from the date this Order is signed**, the Discharger shall submit all findings of the vapor intrusion work plan. The final report should include a public outreach program that shares the findings with the public as well as any corrective actions taken to remedy the potential vapors harm to the public or onsite workers.

2) Evaluate and Optimize All Existing Corrective Action Systems

- a. **Within 90 days from the date this Order is signed**, the Discharger shall submit a *Landfill Gas Extraction System Evaluation Report*. The report shall be based on monitoring results from all landfill gas monitoring probes for the entire Facility. The report shall evaluate the effectiveness of the gas extraction system in preventing VOCs from entering the vadose zone beneath the entire footprint of the Facility. The report shall identify areas that VOCs are entering the vadose zone, then the report shall include a work plan and proposed time schedule to install additional gas extraction wells in those areas. The report shall also describe any steps necessary to modify the physical components or operating elements of the existing landfill gas extraction system to prevent VOCs from entering the vadose zone.
- b. Effective immediately, the Discharger shall include the Central Valley Water Board on any correspondence to any other regulatory body regarding landfill gas monitoring or landfill gas extraction system performance. Further, all landfill gas monitoring data shall be uploaded to this Facility's Geotracker account.
- c. **Within 120 days from the date this Order is signed**, the Discharger shall submit a Groundwater Extraction System Evaluation Report. The report shall be based on monitoring results from the POC, all detection, evaluation and corrective action monitoring wells for the entire Facility as well as the known extent of the plume(s). The report shall evaluate the effectiveness of the groundwater extraction system, including but not limited to, the groundwater extraction well design, treatment technology, and disposal practices, in preventing VOCs from entering the aquifer beneath the entire footprint of the Facility. The report shall identify areas where the system can be enhanced as an interim measure prior to completion of the EMP required by this Order.
- d. Effective immediately, the Discharger shall operate the existing landfill gas extraction system, or any upgraded or replaced corrective action system, continuously until the landfill gas is no longer migrating into the vadose zone and the groundwater plume(s) are remediated to comply with the Water Quality Protection Standards in the WDRs within the WDRs. No groundwater monitoring or extraction well may be removed without written approval from the Executive Officer.

3) Source Investigation of VOCs in all zones affected by the release

- a. **Within 90 days from the date this Order is signed**, the Discharger shall submit a *Point of Compliance Landfill Gas Monitoring Network Installation Work Plan* to install additional gas monitoring probes around “Old Forward WMUs” and the east perimeter of the Austin Road Unit, FU-23 and FU-24 that complies with section 20415(d)(2)(D) of Title 27. The goal of the network is to determine whether the current gas extraction system is preventing gas from entering the vadose zone. The spacing of each installed probe shall not exceed 1,000 feet. All probes to be installed shall comply with the following intervals:
 - i. Interval One: The top of the screen interval is set at the base elevation of the WMUs.
 - ii. Interval Two: The top of the screen interval is set in the zone of highest air permeability between interval one and the third interval.
 - iii. Interval Three: The top of the screen interval is set above the highest groundwater elevation since groundwater monitoring was initiated.
- b. **Within 180 days from the date this Order is signed**, the Discharger shall submit a *Point of Compliance Monitoring Network Installation Report* which certifies installation and operation of the POC monitoring probes required by this Order.
- c. **Beginning with the 3rd quarter 2027**, to address the Discharger’s contention that landfill gas is a contributor to the groundwater impacts, the Discharger shall initiate gas monitoring of the vadose zone. All new POC monitoring probes shall be added to the monitoring network and sampled quarterly for gas pressure and gas concentrations (methane, carbon dioxide, oxygen and remainder/balance gas) in Tables 23 and 24 of the MRP. Each probe interval shall be sampled annually for TO-15 beginning in 2025, if either methane concentrations exceed 1 percent or total organic vapors exceed 10 ppbv. Results of the quarterly monitoring network sampling shall be submitted quarterly in the Corrective Action Program Update.

Beginning with the 4th quarter 2026, if VOCs are detected in the landfill gas monitoring probes during monitoring events, then within 90 days the Discharger shall submit a Landfill Gas Extraction System enhancement work plan to enhance gas collection in areas with landfill gas detected outside the landfill units.

- 4) Investigate and define subsurface lithology of the vadose zone, and water-bearing zones – East of the Landfill
 - a. **Within 30 days from the date this Order is signed**, the Discharger shall

submit an amended EMP. Within 30 days of Central Valley Water Board staff's approval of the amended EMP, the Discharger shall begin installing the groundwater monitoring wells to begin establishing an evaluation monitoring network, as outlined in Attachment E of this Order. These wells shall become a part of the well network and shall be monitored in accordance with the monitoring schedule in the MRP. The first sampling of these wells shall be during the first quarter of 2027 and the results included in the first Quarter 2027 monitoring report. The limit of the plume investigation will be supported by SVOCs, VOCs, metals and general minerals either at the detection limit or at or below the Water Quality Protection Limit established in the WDRs. It is important that not only the lateral extent is investigated, but also vertically. Spacing of the wells is critical, and the Discharger shall set a well where the concentration is compliant with the WDRs, both vertically and laterally. The Discharger shall also construct wells within the plume (locations with VOCs or inorganics above the water quality protection standard), both vertically and laterally, such that the performance of the corrective action system can be evaluated over time.

- b. **Within 120 days from the date this Order is signed**, the Discharger shall submit a Groundwater Plume Remediation System Installation Report that certifies the installation and continuous operation of the additional groundwater extraction well EW-6, as proposed by the Discharger. Once installed, the extraction well shall be monitored weekly for flow. The data shall be included with the quarterly groundwater monitoring reports required by the MRP, beginning with the 2025 fourth quarter groundwater monitoring report.

5) Remedial Action of the Groundwater Plume

- a) **Effective immediately**, the Discharger shall operate the existing groundwater extraction system, or any upgraded or replaced corrective action system, continuously until the groundwater plume is remediated to comply with concentration limits within the WDRs. No groundwater monitoring or extraction well may be removed without written approval from the Executive Officer.
- b) **Within 365 days from the date this Order is signed**, the Discharger shall submit a *Groundwater Plume Investigation Report* that includes a *Revised Engineering Feasibility Study*. The combined reports shall include the following:
 - i) A detailed evaluation of the lateral and vertical extent of VOCs in the vadose zone and groundwater that extends in all directions from the landfill. If analytical data from the Groundwater Plume investigation shows VOC detections within any of the investigated groundwater zones, then the report must provide a justification for each step-out location. For each proposed step out location, there shall be a proposed monitoring depth

interval as well as the target aquifer.

- ii) A revised site conceptual model that defines the stratigraphy, hydrogeologic properties of the water-bearing zones, influence of water supply wells and on-site disposal of treated groundwater on groundwater elevation and gradient under current site conditions. The model shall include a stratigraphic fence diagram that identifies the different aquifer zones. The stratigraphic portion of the model shall be based on continuous coring of the borehole. The model shall also identify increasing and decreasing potential for groundwater movement.
- iii) The report shall define the area of highest concentration of all constituents of concern, individually, in all intervals investigated by Discharger.
- iv) A proposal for a remedial action capable of stopping further migration of constituents of concern impacted groundwater beyond the POC, as well as restoring the beneficial uses of groundwater in all zones affected by the release for the entire plume. If in-situ remedial techniques are proposed, then submit a Notice of Intent for Order R5-2015-0012, Waste Discharge Requirements General Order for In-Situ Remediation and Discharge of Treated Groundwater to Land. The Notice of Intent's contingency plan must be adding additional groundwater extraction wells.
- v) If necessary, upon receipt of data from the EMP investigation, provide a list of all domestic, agricultural, and municipal wells that are impacted by the release, plus any drinking water well for which replacement water shall be provided to the residents along with a proposed written notification to be provided to the well owner (and property owner, if different).
- vi) A certification that the corrective action monitoring system is in compliance with California Code of Regulations, Title 27, section 20415(b)(1)(D): "[A] sufficient number of Monitoring Points installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer that represent the quality of ground water passing the Point of Compliance and at other locations in the uppermost aquifer to provide the data needed to evaluate the effectiveness of the corrective action program". If the system is deficient in any zone affected by the release, then within 60 days the Discharger must submit a proposal to enhance the corrective action monitoring network to demonstrate compliance with the WDRs.

6) Corrective Action Program Notification

- a) The Discharger shall notify the Central Valley Water Board within 24 hours of any unscheduled shutdown of any remediation system(s) that lasts longer than 48 hours. This notification shall include the cause of the shutdown and the corrective action taken (or proposed to be taken) to restart the system. Any interruptions in the operation of the remediation system(s), other than for maintenance, emergencies, or equipment failure, without prior approval from

Central Valley Water Board staff or without notifying the Central Valley Water Board, within the specified time, is a violation of this Order.

- b) The Discharger shall notify Central Valley Water Board staff at least three working days prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection.

7) Corrective Action Program Update

- a) **Beginning with the first quarter following adoption of this Order**, the Discharger shall submit *Quarterly Corrective Action Program Updates*. These reports shall be submitted by the **15th day of the second month following the quarter for which the report is prepared** (e.g., the 2026 fourth quarter summary report is due on **15 February 2027**). The reports shall describe all work completed during the previous calendar quarter to comply with this Order and describe any violations of this Order. The report shall include information about the remediation system operational hours during the monitoring period: total hours of operation of all remediation systems; the exact time (e.g., “7:04 p.m.”) of any system failure and restart; a description of any repairs; an evaluation of the performance of each individual extraction point (both landfill gas and groundwater); the volume of water discharged from the system; the flow (in gallons) from each well on a daily basis; total flow rate and volume of landfill gas removed by the gas extraction system, and the mass of contaminants removed by the groundwater extraction system.

8) Cover Thickness Investigation

- b) **Within 45 days from the date this Order is signed**, the Discharger shall submit a Cover Thickness Compliance Demonstration Report that certifies that the cover is in compliance with the WDRs and Title 27.

9) Improper Characterization of Waste

- a) **Within 90 days from the date this Order is signed**, the Discharger shall submit an engineering feasibility study to support the aforementioned \$600,000 estimate the Discharger provided as the cost to remove the noncompliant Tesla waste.

General Requirements and Notices

Use of Qualified Professionals

1. All technical reports required by this Order that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geological sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. As required by these laws,

completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

Signatory Requirements

2. All technical reports submitted by the Discharger shall include a cover letter signed by the Discharger, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Cost Recovery

3. Pursuant to Water Code section 13304, the Central Valley Water Board is entitled to, and may seek reimbursement for, all reasonable costs it incurs investigating and abating the effects of the unlawful discharges of waste and to oversee/supervise the cleanup of such waste, or other remedial action, required by this Order. If requested by the Central Valley Water Board, the Discharger shall enroll in the State Water Board's Cost Recovery Program and shall reimburse the State of California for all reasonable costs actually incurred by the Central Valley Water Board.

Submissions

4. All required data, documents, and technical reports must be uploaded to GeoTracker and the Discharger must notify us by email at centralvalleysacramento@waterboards.ca.gov after each report is uploaded. To ensure each GeoTracker upload notification is routed to the appropriate Central Valley Water Board staff, please include the following information in the body of the email: Attn: Brendan Kenny, Compliance Unit, Title 27, the date and title of the report uploaded, the GeoTracker upload confirmation number for the report uploaded, and the Facility's CIWQS place ID (CW-225098).

Enforcement Authority

5. If the Discharger fails to comply with the requirements of this Order, the Central Valley Water Board or its delegated officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil

FORWARD, INC. AND REPUBLIC SERVICES, INC.
SAN JOAQUIN COUNTY

liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350, and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this 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, et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. [Copies of the law and regulations](#) applicable to filing petitions may be found on the Internet (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

This Order is issued under authority delegated to the Executive Officer by the Central Valley Water Board pursuant to Resolution R5-2018-0057 and is effective upon the date of signature.

Patrick Pulupa
Executive Officer

Date