



*California Environmental Protection Agency
Department of Toxic Substances Control*

**HAZARDOUS WASTE FACILITY
POSTCLOSURE PERMIT**

Permit Number: 03-SAC-005

Facility Name:

Forward Landfill
9999 South Austin Road
Stockton, California 95363

Owner Name:

Forward Incorporated
P.O. Box 6336
Stockton, California 95206

Operator Name:

Forward Incorporated
P.O. Box 6336
Stockton, California 95206

Facility EPA ID No.: CAD990794133

Effective Date:

Expiration Date:

Permit Modification History: Renewal

Permit Issued: January 2, 1990

Modification No.1 Date: March 2, 1994

Modification No. 2 Date: June 7, 1995

Modification No. 3 Date: September 30, 1999

Pursuant to section 25200 of the California Health and Safety Code, this Resource Conservation and Recovery Act (RCRA) equivalent Hazardous Waste Facility Postclosure Permit is hereby issued to Forward Incorporated. Issuance of this Permit, which consists of 13 pages, is subject to all terms and conditions set forth herein.

NOT SIGNED - DRAFT

Chief, Land Disposal Branch
Hazardous Waste Management Program

Date: _____

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PART I. DEFINITIONS

All terms used in this Permit shall have the same meaning as those terms have in the California Health and Safety Code, Division 20, Chapter 6.5 and Title 22, California Code of Regulations, Division 4.5, unless expressly provided otherwise by this Permit.

1. “DTSC” as used in this Permit means the California Department of Toxic Substances Control.
2. “Permittee” as used in this Permit means the Owner and Operator.
3. “HSC” as used in this Permit means the Health and Safety Code.
4. “Cal. Code of Regs.” as used in this Permit means the California Code of Regulations.
5. “Approved Application” as used in this Permit means the Part A and Part B portions of the permit application described in Part III.1 of this Permit.
6. Unless explicitly stated otherwise, all references to items in this Permit shall refer only to items occurring within the same part.

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PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP

1. OWNER

The Facility owner is Forward Incorporated, P.O. Box 6336, Stockton, California 95206 (hereafter “Owner”).

2. OPERATOR

The Facility operator is Forward Incorporated, P.O. Box 6336, Stockton, California 95206 (hereafter “Operator”).

3. LOCATION

Forward Landfill is located at 9999 South Austin, seven miles south of Stockton, California, in San Joaquin County. The Facility is shown on the location Map, which is the same as Plate 1 of the Part A portion of the Approved Application (DTSC Attachment 1).

Forward Landfill is a portion of one parcel, San Joaquin County Assessor’s Parcel Numbers 201-60-3, a portion of the East half of Section 3, T./S., R.7E. Mount Diablo Base and Meridian. The configuration of the Facility is shown on the attached Forward Landfill Map, which is the same as Plate 2 in the Part A portion of the Approved Application (DTSC Attachments 2).

4. DESCRIPTION

Forward Landfill occupies approximately 157 acres and is currently authorized to receive designated and non-hazardous solid waste. The currently operating disposal site includes: 1. landfill waste management areas for waste treatment and disposal, 2. a transfer station/resource recovery facility for separating, sorting, and recycling activities, and 3. storage and support areas.

Waste Management Unit A (WMU A) is a closed class I hazardous waste disposal landfill unit that is currently undergoing postclosure monitoring, inspection, and maintenance. WMU A covers approximately 8 acres and contains 320,000 cubic yards of waste. The unit operated from 1973 until 1984. The primary waste material found in WMU A is barium/strontium sludge from mining operations in addition to other wastes such as drilling muds and contaminated soils.

Closure of WMU A consisted of an impermeable clay cover system, a groundwater monitoring system, a surface drainage control system, a leachate collection and removal system, and a landfill gas collection and detection system. Closure construction was completed in 1989.

A postclosure permit was issued on January 2, 1990, for post closure operation and maintenance for WMU A. Postclosure activities included: groundwater monitoring, cover/drainage system inspection and maintenance, landfill gas collection, and leachate removal.

5. FACILITY SIZE AND TYPE FOR FEES

Forward Landfill is categorized as a large postclosure Facility for purposes of HSC, section 25205.19. For the purpose of HSC, section 25205.4, the postclosure period for Forward Landfill shall be deemed to have started January 2, 1990, which is the date the first postclosure permit was issued.

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PART III. GENERAL CONDITIONS

1. PERMIT APPLICATION DOCUMENTS

The RCRA Subtitle C Site Identification Form, Revised RCRA Hazardous Waste Part A Permit Application, signed October 30, 2000, by Mr. Kevin Basso, General Manager for Forward Incorporated, Postclosure Permit Application, dated October 30, 2000 (Part B Permit Application), consisting of one volume, are hereby approved and made a part of this Permit by reference (hereafter “Approved Application”). In addition, the Approved Application includes by reference the Revised Post-Closure Maintenance Plan-Waste Management Unit A-Forward Landfill, dated April 15, 1994 (referred to as the RPCMP).

2. EFFECT OF PERMIT

- (a) The Permittee shall comply with the provisions of the California Health and Safety Code, and Division 4.5 of Title 22, California Code of Regulations (Title 22, Cal. Code Regs.). The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies, including but not limited to, the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the postclosure facility.
- (b) The Permittee is permitted to monitor and maintain the postclosure Facility in accordance with the conditions of this Permit and the Approved Application. Any treatment or storage of hazardous wastes not specifically authorized in this Permit or described in the Approved Application is strictly prohibited.
- (c) Compliance with the terms of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including, but not limited to, one brought for any imminent and substantial endangerment to human health or the environment.
- (d) DTSC's issuance of this Permit does not prevent DTSC from adopting or amending regulations that impose additional or more stringent requirements than those in existence at the time this Permit is issued and does not prevent the enforcement of these requirements against the Permittee. Failure to comply with any term or condition set forth in this Permit in the time or manner specified herein will subject the Permittee to possible enforcement action including but not limited to penalties pursuant to HSC section 25187.
- (f) In addition, failure to submit any information required in connection with this Permit, or falsification and/or misrepresentation of any submitted information, is grounds for revocation of this Permit (Title 22, Cal. Code of Regs., section 66270.43).

(g) In case of conflicts between the Approved Application and this Permit, the Permit conditions take precedence.

(h) This Permit includes and incorporates by reference any conditions of waste discharge requirements issued to the Facility by the State Water Resources Control Board or the Central Valley Regional Water Quality Control Board and any conditions imposed pursuant to section 13227 of the Water Code.

3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

A Notice of Exemption has been prepared in accordance with the requirements of Public Resources Code section 21000 et seq. and the California Environmental Quality Act Guidelines, which are codified in Title 14, Cal. Code of Regs., section 15070 et seq.

4. ENVIRONMENTAL MONITORING

(a) For the purpose of Title 22, Cal. Code of Regs., section 66264.91(b), the elements of the Groundwater Monitoring and Response Program for the Forward Landfill are those described in Section 6.7 of the Approved Application.

(b) For the purpose of Title 22, Cal. Code of Regs., section 66264.92, the Water Quality Protection Standard for the Forward Landfill is described is divided into the following three items:

1. For the purpose of Title 22, Cal. Code of Regs., section 66264.93, the Constituents of Concern for the Forward Landfill are described in Section 3.3 and Table 5-14 of the Revised Post-Closure Maintenance Plan-Waste Management Unit A-Forward Landfill, dated April 15, 1994 (referred to as the RPCMP).
2. For the purpose of Title 22, Cal. Code of Regs., section 66264.94, the Concentration Limits for the Forward Landfill are described in Section G.7 of the Approved Application.
3. For the purpose of Title 22, Cal. Code of Regs., section 66264.95, the Monitoring Points and Points of Compliance for each regulated unit at the Forward Landfill are described in Table 5-1B of the Approved Application.

(c) For the purpose of Title 22, Cal. Code of Regs., section 66264.96 the Compliance Period for each regulated unit at the Forward Landfill is described in Section G.7 of the Approved Application.

(d) For the purpose of Title 22, Cal. Code of Regs., section 66270.31, the monitoring, recording, and reporting program for the Forward Landfill is described in Section 5.4.3.4 of the RPCMP.

5. WASTE MINIMIZATION CERTIFICATION

Pursuant to HSC, section 25202.9, the Permittee shall certify annually, by March 1 for the previous year ending December 31, that:

(a) Forward Landfill has a program in place to reduce the volume and toxicity of all hazardous wastes that are generated by the Facility operations to the degree, determined by the Permittee, to be economically practicable.

(b) The method of storage or treatment is the only practicable method or combination of methods currently available to Forward Landfill which minimizes the present and future threat to human health and the environment.

The Permittee shall make this certification, in accordance with Title 22, Cal. Code of Regs., section 66270.11. The Permittee shall submit the certification to the Department of Toxic Substances Control, Land Disposal Branch, 8800 Cal Center Drive, Sacramento, California 95826 and shall record and maintain onsite such certification in the Forward Landfill Operating Record.

6. WASTE MINIMIZATION CONDITIONS

(a) The Permittee shall comply with the Hazardous Waste Source Reduction and Management Review Act (SB 14) requirements that are specified in HSC, sections 25244.19, 25244.20 and 25244.21, and any subsequent applicable statutes or regulations promulgated thereunder. This would include submittal of SB 14 documents to DTSC upon request.

(b) DTSC may require the Permittee to submit a more detailed status report explaining any deviation from, or changes to, the approved waste minimization plan.

7. CONDITIONS APPLICABLE TO ALL PERMITS

Title 22, Cal. Code of Regs., section 66270.30, Conditions Applicable to All Permits, is incorporated by this reference.

8. MODIFICATIONS

(a) The Permittee must request and obtain a permit modification to revise any portion of this Permit. To request such a revision, the Permittee must comply with the procedures for permit modifications set forth in Title 22, Cal. Code Regs., section 66270.42.

(b) If at any time DTSC determines that modification of any part of this Permit is necessary, DTSC may initiate a modification in accordance with the procedures in Title 22, Cal. Code Regs., section 66270.41.

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PART IV. PERMITTED UNITS AND ACTIVITIES

For the purpose of Title 22, Cal. Code of Regs., section 66270.1(c) and other similar, unit specific regulatory requirements, Forward Landfill has one closed hazardous waste management unit subject to the postclosure permit requirement. This unit is described in detail in the Approved Application, Postclosure Permit Application, dated October 30, 2000, and is as follows:

1. Waste Management Unit A, including all surface and subsurface features of the landfill cover system, the surface water and diversion system, the leachate collection system, the groundwater monitoring wells, the landfill gas collection systems, and the final site topography.

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PART V. SPECIAL CONDITIONS

1. In addition to the requirements in Appendix G (Sampling and Analysis Plan) of the Approved Application and RPCMP, Permittee shall:

- a. Submit a Workplan and schedule for implementation of the proposed work to address additional groundwater monitoring as described in the January 21, 2003, DTSC Letter. This Workplan shall be submitted within sixty days of the effective date of this permit for review and approval by DTSC. The Permittee shall address all DTSC comments on the Workplan to the satisfaction of DTSC. The requirements of the Workplan and schedule shall be conditions of the permit upon approval of DTSC.
- b. Submit a Report to summarize the data and interpretive work associated with Part V.1.a. above as described in the Workplan schedule.
- c. Submit a revised Appendix G to reflect the potential changes associated with the findings from Part V.1.a. above and to include groundwater monitoring requirements in a single document as described in the Workplan schedule. The revised Appendix G shall replace portions of the RPCMP that pertain to groundwater monitoring.

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PART VI. CORRECTIVE ACTION

1. POTENTIAL OR IMMEDIATE THREATS/NEWLY IDENTIFIED RELEASES/ NEWLY IDENTIFIED SWMUs

(a) In the event the Permittee identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous constituents, or discovers new Solid Waste Management Units (SWMUs) not previously identified, the Permittee shall notify DTSC orally within 24 hours of discovery and notify DTSC in writing within ten (10) days of such discovery summarizing the findings including the immediacy and magnitude of any potential threat to human health and/or the environment. Newly identified hazardous constituents discovered during routine groundwater sampling shall be reported in accordance the reporting provisions of the approved SAP.

(b) DTSC may require the Permittee to investigate, mitigate and/or take other applicable action to address any immediate or potential threats to human health and/or the environment, SWMUs, or newly identified releases of hazardous waste and/or hazardous constituents. Corrective action shall be carried out under either a Corrective Action Consent Agreement or Unilateral Corrective Action Order pursuant to HSC, section 25187.

2. SAMPLING AND ACCESS

(a) Sampling

(1) The Permittee shall provide confirmatory samples to DTSC within the time requested by DTSC to determine if there is a threat to human health and/or the environment. The sampling shall be done in accordance with guidance that DTSC supplies to the Permittee.

(2) The Permittee shall notify DTSC in writing at least fourteen (14) days prior to beginning any confirmatory sampling requested by DTSC. If the Permittee believes it must commence emergency confirmatory sampling without delay, the Permittee may seek emergency telephone authorization from DTSC's Land Disposal Branch Chief or, if unavailable, his/her designee to commence such activities immediately. At the request of DTSC, the Permittee shall provide or allow DTSC or its authorized representative to take split or duplicate samples of all samples collected by the Permittee pursuant to this Part of this Permit.

(3) The Permittee shall submit to DTSC upon request the results of all sampling and/or tests or other data generated by its employees, divisions, agents, consultants or contractors pursuant to this Permit.

(4) Notwithstanding any other provisions of this Permit, DTSC retains all information gathering and inspection authority rights including enforcement actions related thereto, under HSC and any other applicable state or federal statutes or regulations.

(b) Access

(1) DTSC, its contractors, employees, agents, and/or any U.S. EPA representatives are authorized to enter and freely move about Forward Landfill pursuant to the entire Permit for the purposes of: interviewing Forward Landfill personnel and contractors; inspecting records, operating logs, and contracts relating to Forward Landfill; reviewing progress of the Permittee in carrying out the terms of this Permit; conducting such test, sampling, or monitoring as DTSC deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to DTSC by the Permittee; or confirming any other aspect of compliance with this Permit and Division 20, Chapter 6.5 of the H&SC. The Permittee shall provide DTSC and its representatives access at all reasonable times to the Permittee's Facility and any other property to which access is required for implementation of any provision of this Permit and any provision of Division 20, Chapter 6.5 of the H&SC and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Permit or undertake any other activity necessary to determine compliance with applicable requirements. DTSC acknowledges that Forward Landfill is not manned 24-hours a day. DTSC will provide reasonable notice when requiring access to the site.

(2) To the extent that work being performed pursuant to this Part of this Permit must be done on property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain access agreements necessary to complete work required by this Part from the present owner(s) or operator of such property within ninety (90) days of approval of any workplan for which access is required. "Best efforts" as used in this paragraph shall include, at a minimum, a certified letter from the Permittee to the present owner(s) of such property requesting access agreement(s) to allow the Permittee and DTSC and its authorized representatives access to such property and the payment of reasonable sums of money in consideration of granting access. The Permittee shall provide DTSC with a copy of any access agreement(s). In the event that agreements for the access are not obtained within ninety (90) days of approval of any workplan for which access is required, or of the date that the need for access becomes known to the Permittee, the Permittee shall notify DTSC in writing within fourteen (14) days thereafter regarding both efforts undertaken to obtain access and its failure to obtain such agreements. In the event DTSC obtains access, the Permittee shall undertake approved work on such property.

(3) Nothing in this Permit shall be construed to limit or otherwise affect the Permittee's liability and obligation to perform corrective action including corrective action beyond the Facility boundary, notwithstanding the lack of access. DTSC may determine that additional on-site measures must be taken to address releases beyond the Facility boundary if access to off-site areas cannot be obtained.

(4) Nothing in this Permit shall limit or otherwise affect DTSC's right to access and entry pursuant to any applicable state or federal laws and regulations