

ENCLOSURE 3C

Responses to Comments Received on Tentative Waste Discharge Requirements Nursery Products Hawes Composting Facility Issued December 22, 2009

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the following comments on the Tentative Waste Discharge Requirements for Nursery Products Hawes Composting Facility issued on December 22, 2009.

Comment Number	Comment	Response
Received December 28, 2009		
Darcey Jensen 1	We do not concur; comments attached	Comment noted.
2	THIS FACILITY WOULD BE QUITE WELCOMED "IF" IT WAS ENCLOSED! PREVALENT WESTERLY WINDS WILL BLOW PARTICULATE MATTER INTO OUR COOLERS + HOUSES. I'VE SEEN WHAT THIS TYPE OF FACILITY DID TO A NEIGHBORHOOD IN BAKERSFIELD CA. COMPLETELY RUINED!!	Regulation of air emissions is under the jurisdiction of the Mojave Desert Air Quality Management District. The Waste Discharge Requirements for the Nursery Products Hawes Composting Facility requires implementation of mitigation measures to control airborne pathogen movement, including wetting of windrows and not turning the windrows when wind speed is 30 mph or greater.
John Van Leeuwen 1	We concur with proposed requirements	Comment noted.
Received December 29, 2009		
Ruth Baruth 1	We concur with proposed requirements	Comment noted.
Dennis P. Bruyere 1	We concur with proposed requirements	Comment noted.
2	Seems like too strict & too much paper work!	Comment noted.
Gary Howard & Lori Howard 1	We do not concur; comments attached	Comment noted.
2	We do not think this project is conducive to/for the surrounding properties or to the environment.....	Comment noted.
Received January 4, 2010		
Carmelita L. Belisario 1	We concur with proposed requirements	Comment noted.
Andrea Harms 1	Form Letter	Please see responses to Form Letter.
2	-volunteer @ Aquarius Ranch outside of Hinkley!	Comment noted.
B.F. Maharrey Jr. 1	Form Letter	Please see responses to Form Letter.

Comment Number	Comment	Response
Received January 5, 2010		
Rita D. Millar 1	We do not concur; comments attached	Comment noted.
2	Please do not put our children & Grandchildren at such great <u>risk</u> . We are voting constituents.	Comment noted.
Received January 11, 2010		
Robert D. Millar 1	We do not concur; comments attached	Comment noted.
2	Please do not put our children & Grandchildren at such great <u>risk</u> . We are voting constituents.	Comment noted.
Wayne L. Snively 1	Form Letter	Please see responses to Form Letter.
2	Δ I object to unregulated & untested sewage sludge with hazardous wastes being imparted & dump in the High Desert & Hinkley area. __	The Waste Discharge Requirements do not allow sewage sludge to be used at the proposed Facility. The Waste Discharge Requirements allow treated biosolids to be used in the composting process. The biosolids delivered on site must be tested prior to delivery, and additional testing must be performed per the Monitoring and Reporting Program to ensure the containment structures are functioning properly.
3	Δ Cities in LA County should handle their own sewage sludge within their own city.	Comment noted.
Brendan Hughes 1	I do not concur with the requirements set by the CA Regional Water Quality Control Board, Lahontan Region.	Comment noted.
2	First, I believe this meeting should be set in Barstow, where the people that will be affected by this facility live. Locals should have an adequate chance to comment on this facility, and not all interested parties can travel to Victorville to comment.	Due to scheduling and logistical issues, the meeting will be held in Victorville. This location should not put an undue hardship on those who wish to comment.
3	Also, the meeting should be delayed until March so that interested parties have more time to analyze the Tentative Requirements.	The Waste Discharge Requirements for the Nursery Products Hawes Composting Facility is scheduled to be presented at the March 10, 2010, Board Meeting.

Comment Number	Comment	Response
Received January 11, 2010 (Continued)		
Brendan Hughes (Continued)	4 Additionally, the Lahontan Region Water Quality Control Board should require that, if the facility is built, it should be enclosed to prevent particulate matter from escaping from the facility by air. This particulate matter, which will include human feces laced with high concentrations of antibiotics, hormones, and endocrine disruptors, as well as various bacteria normally found in feces that can cause sickness and death, should not be allowed to escape onto surround lands and negatively affect water quality. An uncovered facility will release contaminants into the surrounding area's water which could severely impair the human water supply. Nursery Products can still make a profit with a covered facility, all the while ensuring the protection of the surrounding water supply and the human environment.	Regulation of air emissions is under the jurisdiction of the Mojave Desert Air Quality Monitoring District. Biosolids must be treated to reduce pathogens prior to delivery at the Facility. Treated biosolids will be incorporated into windrows within four hours of delivery to the site. Nursery Products is required to operate in accordance with the guidelines specified in Code of Federal Regulations, title 40, Part 503. The Waste Discharge Requirements for the Nursery Products Hawes Composting Facility requires implementation of mitigation measures to control airborne pathogen movement, including wetting of windrows and not turning the windrows when wind speed is 30 mph or greater.
Beverly June Kramer	1 We do not concur; comments attached	Comment noted.
	2 As previously stated in my letters dated 3/18/09; 9/5/09; and 11/19/09, I expressly forbid any trespass on my property (Parcel [number excluded]) and, furthermore, forbid any contamination of my property or the atmosphere thereon.	Comment noted.
Charles A. Moore, Sr.	1 We do not concur; comments attached	Comment noted.
	2 I am very much opposed to allowing Nursery Products to establish a composting facility in the Hinkley/Barstow area.	Comment noted.
	3 While there are many reasons to oppose such a facility, the scarcity of water on the high desert should be enough to reject such a proposal. I can't understand why I have to deal with water rationing here in Barstow and allow for the development of a facility which uses a great deal of water.	Comment noted.

Comment Number	Comment	Response
Received January 11, 2010 (Continued)		
Charles A. Moore, Sr. (Continued)	4 Obviously it would make much more sense to put the facility closer to the source of the water. Not only would water be more available, but the savings realized on fuel would be significant.	Comment noted.
	5 Please oppose the establishment of this facility.	Comment noted.
Received January 13, 2010		
Mark Orr	1 We do not concur; comments attached	Comment noted.
	2 Concerning the California Regional Water Quality Control Board, Lahontan Region, Tentative Waste Discharge Requirements for Nursery Products Hawes Site Composting Facility, San Bernardino County, DEC. 22, 2009 (Originally OCT. 28, 2009.). The requirements repeatedly throughout refer to monitoring and actions taken in event of leakage or surface and/or groundwater contamination being detected at or because of activities at the Hawes site. What I and other citizens ask is that no such risk of leakage or contamination of water be allowed to exist to begin with.	The composting pad (waste pile) and the surface impoundments are designed to contain the wastes and must comply with all the applicable requirements of California Code of Regulations (CCR), title 27. As such, monitoring is required to ensure that the containment structures are functioning properly and are not polluting or threatening to pollute. If the results of the monitoring indicate there may be an issue with the structural integrity of the site, then the Waste Discharge Requirements specify actions required by the Discharger to contain and/or control the wastes in compliance with CCR, title 27 requirements.
	3 Because of the massive size of the Hawes facility (80-160 acres), and it's unenclosed mode of operation, I believe the only predictable outcome will be surface or groundwater contamination spreading via water, wind, person, vehicle or vector.	Comment noted.
	4 The Hawes site is located upon a region of interconnected groundwater basins and sub-basins whose waters communicate with each other and are internal <i>[sic]</i> draining with no outlet to a sea or ocean. Contaminants will accumulate with no path to flush or dilute them, which will allow contaminants to accumulate and impact all basins and sub-basins, including the Mojave River system. (Please consult my past letters sent to CRWQCB Lahontan on this subject.)	See response to Comment 2, above.

Comment Number	Comment	Response
Received January 13, 2010 (Continued)		
Mark Orr (Continued)	5 I and other citizens are also concerned of the threat of overdraft of water sources serving existing business and homes in the regions surrounding the Nursery Products LLC Hawes site, especially in respect to continuing drought conditions. This concerns both overdraft of Mojave River basin waters and waters derived from direction of Panamint and Sierra sources. I do not believe that tentative requirements that still allow massive amounts of water use and evaporation will protect us from overdraft or promote water conservation.	The Waste Discharge Requirements are for the purposes of protecting water quality; water quantity issues are outside of our regulatory purview. In most areas of California, overlying land owners may extract groundwater and put it to beneficial use without approval from the State Board or a court. California does not have a permit process for the regulation of groundwater use. However, groundwater use is subject to regulation in accordance with a court decree.
	6 I do not agree with the tentative requirements for Hawes as described on pages 3 and 4, Section 7, and repeated on Page 24. These state the surface impoundments must contain the Maximum volume [sic] of water anticipated [sic] to run-off from the facility for a 100 year 24 hour event, in addition to the volume [sic] anticipated for the surface impoundments areas in a 1000 year, 24 hour storm event, while retaining two feet of freeboard.	These requirements are specified in California Code of Regulations, title 27 for Class II facilities.
	7 I believe it was originally the Mojave Water Agency on SEPT. 17, 2009 issued a requirement for containment run-off from an 80 acre facility over a period of 30 days storm. The 100 yr and 1000 year 24 hour events might suffice for containment of some flashflood events, or even week long rain, but fail to anticipate on-off rain sequences that by my past experience (I have lived in Hinkley for over 36 years) would justify and require the 30 day rain or storm event.	While the requirements specified in the tentative Waste Discharge Requirements are those found in California Code of Regulations, title 27 for Class II Facilities, should there be a larger rain event that exceeds the design capacity of the Surface Impoundments, the Facility is designed to retain stormwater and materials on-site.

Comment Number	Comment	Response
Received January 13, 2010 (Continued)		
Mark Orr (Continued)	8 without anticipating [sic] longer rain events the Hawes tentative requirements fail to make proper allowance for complete saturation of the piles and windrows of sludge and composting materials, or the complete saturation of all roads, impoundments, and all other surface areas. After complete saturation the concern is that the piles or windrows themselves will come apart and flow in such a way as to completely fill the impoundment ponds and allow following [sic] rains to overflow water and contaminants from the impoundments. The windrows and piles could also come apart after complete saturation followed by continued [sic] rain, and move or flow in such a way as to create their own channels that will allow water and contaminants to flow within and outside the Hawes site, ignoring the original impoundment and/or drainage purpose design.	It is recognized that there are flash flood events in the area. To that end, the Discharger is placing a berm around the entire site to prevent materials from discharging from the site. Additionally, it is unlikely that the windrows themselves could disintegrate due to saturation. The windrows form a crust on the surface which impedes water infiltration.
	9 Because of the existence of faults in the Hawes region, and because of the interconnected water basins and sub-basins existing in the lands surrounding the Hawes site as an internally draining system subject to accumulative contamination risk, it would be logical to require monthly tests and inspections rather than the annual or quarterly tests and inspections mentioned throughout the tentative requirements for the Hawes site.	While sampling and analysis will be performed on a quarterly and annual basis, monitoring of physical parameters, such as inspection for liquid in the leak detection monitoring sumps, is specified in the Monitoring and Reporting Program to be conducted on a more frequent basis.
	10 The Tentative Hawes site requirements still allow unenclosed impoundments and ponds that will still allow contamination of wildlife by exposing visiting migratory or indigenous [sic] birds and other animals. Insects exposed to contaminants and vector control pesticides will be consumed by animals visiting the site or when the insects travel off-site. Both insects and wildlife will serve to transport contaminants (bacteria or virus in some cases) to surface water in regions surrounding Hawes, or even out of County or State in respect to migratory birds.	The EIR was reviewed by Responsible Agencies with expertise in wildlife matters. Enclosure was not identified as a necessary mitigation measure to protect wildlife or water quality.

Comment Number	Comment	Response
Received January 13, 2010 (Continued)		
Mark Orr 11 (Continued)	<p>Covering the piles or windrows might provide protection in light or medium rain events. During longer or flashflood rain events absorption of water and escape of contaminants may still occur at base of piles or windrows, which could absorb water at base like sponge until saturation occurs. Erosion of entire piles or windrows could occur at their base, especially during flashflood event, which could strip away any covering, and tend to move large amounts of material by sheer weight and inertia, possessing the ability to drive water and material up and over impoundment embankments and erode impoundment embankments away. Absorption of water at base of piles or windrows could cause liquification <i>[sic]</i> that due to height of windrows or piles could cause entire windrow or pile to collapse by gravity, exposing materials to further water transportation.</p> <p>Covering of piles or windrows is also still subject to removal by 30-60plus mph winds common to site at Hawes, Contaminants then being removed by water or leaving site as fugitive dust to impact surface and groundwaters of surrounding region.</p>	<p>See response to Comment 3, above. In addition, Nursery Products is proposing to use water for dust control, and is proposing to construct a berm around the Facility to prevent material stored on site from leaving the Facility. Liquefaction is not anticipated to be a problem at this site. Further, the waste pile (composting pad) will consist of an area of prepared subgrade of no less than 12 inches of engineered native material, moisture conditioned, and compacted to a minimum relative compaction of 90 percent, per American Society of Testing and Materials (ASTM) Test Method D1557. The engineered pad will be sloped to prevent ponding such that leachate and stormwater will flow to the Surface Impoundments.</p>
12	<p>Complete enclosure of facility will go a long way to prevent above mentioned problems. Not building or operating such a massive composting site at Hawes, in such an ill chosen location, would be even smarter in my opinion.</p>	<p>Nursery Products did not propose to construct an enclosed facility. Further, the EIR determined that enclosing the facility would be cost-prohibitive. However, the Facility will be constructed such that all material will remain on site, and monitoring will ensure that the containment structures are functioning as designed.</p>

Comment Number	Comment	Response
Received January 13, 2010 (Continued)		
Mark Orr (Continued) 13	On page 5 of the tentative Hawes site requirements, listed as finding number 8 <u>DUST CONTROL</u> , water from an on-site well or from the surface impoundments will be used for dust suppression, as necessary, to prevent the release of airborne particulates from the facility. This is why this Hawes facility should be enclosed or go away. Using what I perceive to be contaminated water from the surface impoundments for dust control will only increase the potential of spreading contaminants to soil and surface and groundwaters as water evaporates and allows fine particles once suspended in it to likewise become fugitive dust and become onsite and off site contaminant risk. Concern would be to contamination of soil or water due to further transport of these contaminants via wind, water, vehicle, person wildlife, or vector.	Comment noted.
14	I thank the CRWQCB Lahontan Region for increasing the list of persons informed of the Hawes tentative requirements.	Comment noted.
15	I still demand better representation by my water board, especially given the present drought and past contamination issues such as the PG&E Chromium 6 in Hinkley, or Soapmine Rd. in Barstow.	Comment noted.
16	I still believe this entire process should be a very public interactive process.	Comment noted.
17	We still regard the Hawes site as an example of the larger cities shipping their problems into other peoples backyard, rather than solving problems at their source.	Comment noted.
Received January 14, 2010		
Joan D. Bird 1	We concur mostly; comments attached	Comment noted.

Comment Number	Comment	Response
Received January 14, 2010 (Continued)		
Joan D. Bird 2 (Continued)	I have written to the Lahontan Water Board before regarding the Nursery Products Hawes Composting Facility. I am a concerned resident of Hinkley, Ca and a member of Helphinkley.org and as such I still think that this facility should be enclosed (with air filtration systems to catch any bacteria, odors, chemicals, etc.) to protect our water supply and most importantly our health. I would like to thank the Board for their comprehensive TentativeWaste Discharge Requirements for this facility. You seem to have covered most of the issues concerning this facility .There are however still several concerns I have and comments I would like to make:	Comment noted.
3	It is stated that the nearest residence to this facility is 1.5 miles and the next nearest is 8 miles away. This is not a true statement. I know there are many more residences within that distance that could be impacted by this facility.	The EIR, prepared by the County of San Bernardino, cited the nearest residences at 1.5, 2.5, and 8 miles away from the proposed Nursery Products Facility.
4	Depth of the well to be drilled and its impact on the water supply. Nursery Products (NP) says that there is sufficient water capacity at 300' for this facility's water requirements. The Mojave Water Agency has not determined the volume or quality of the water in the area of this facility, but have stated that two monitoring wells closest to this facility have shown a <u>decline</u> in the water level of the last two decades. There is to be a 30,000-gallon water storage tank at this facility - where is the water going to come from for the initial filling of this tank? I do not know if this amount would impact our water supply if it comes from the well. There also has been no mention of truck washing which would certainly use more water than estimated (1000 gal/day) and it is, in my opinion, that truck washing would be an important procedure to conduct to keep any solid waste off the highways upon departure (assuming it is covered coming to this facility).	The Waste Discharge Requirements are for the purposes of protecting water quality; water quantity issues are outside of our regulatory purview. In most areas of California, overlying land owners may extract groundwater and put it to beneficial use without approval from the State Board or a court. California does not have a permit process for the regulation of groundwater use. However, groundwater use is subject to regulation in accordance with a court decree. Prior to operation of the facility, Nursery Products must obtain coverage under the State Water Resource Control Board's General Permit for Discharges of Stormwater Associated With Industrial Activities; vehicle washing activities must be in compliance with this general permit.

Comment Number	Comment	Response
Received January 14, 2010 (Continued)		
Joan D. Bird 5 (Continued)	NP and your discharge requirements state that water from the surface impoundments that catch any overflow water can/will be used for dust control. I think that this could impact the health of residents. This water will be coming from the waste windrows (when they need to be wet down) and could contain health hazard materials which would then be released into the air by spraying the area for dust control. Also it was stated in the SEIR that rainwater would be collected in two on-site basins (the above surface impoundments?) to be used instead of additional water withdrawal from the groundwater supply. The statement said that an estimated 4 million gallons of rainwater per year will be collected. Can this be a true estimate? This seems like a lot. We are in a desert area where we have very little rain or none at all (especially in the drought years we have been experiencing).	The two Surface Impoundments are to collect both leachate and rainwater runoff from the site. Water from the surface impoundments must be sampled per the Monitoring and Reporting Program to ensure the water is not hazardous waste. The composting pad (Waste Pile) and Surface Impoundments will be constructed and operated in accordance with CCR, title 27 requirements.
6	Time frames for reporting spills, changes to constituents, results of monitoring samples seem to be inappropriate - reporting within 45 days regarding evidence of a release (from monitoring samples), 90 days and 180 days for other reporting. A lot of undesirable water, contaminants, etc. could be released during these time frames before reporting to the Water Board and action is taken.	While sampling and analysis will be performed on a quarterly and annual basis, monitoring of physical parameters, such as inspection for liquid in the leak detection monitoring sumps, is specified in the Monitoring and Reporting Program to be conducted on a more frequent basis.
7	The date of October 30, 2012 (tentative) for NP to propose a list of monitoring parameters and constituents of concern to the Water Board for acceptance seems distant. Wouldn't this facility be operating long before that (assuming it is allowed) and shouldn't this list be submitted before then?	Monitoring parameters and constituents of concern must be collected quarterly for eight consecutive quarters to be able to determine statistical background levels.
8	Certification of plans, etc. to be done by a registered civil engineer or certified engineering geologist. I am assuming this person will be from or hired by the Water Board and will be non-biased.	Water Board staff may not legally certify plans or otherwise act as consultants to dischargers. However, Water Board staff will review all plans and reports submitted on behalf of Nursery Products for compliance with current regulations, Waste Discharge Requirements, and our Basin Plan.

Comment Number	Comment	Response
Received January 14, 2010 (Continued)		
Joan D. Bird (Continued) 9	I am concerned that NP will not do all the monitoring, sampling, and reporting that should be done to keep the groundwater and the environment safe (if this facility is allowed to operate). I understand that their track record for truthful reporting is a bit to be desired (as in the case of their operation in Adelanto).	Comment noted.
10	In closing I would like thank the Water Board for including a Final Closure Plan and Financial Assurance Documents requirements in the Tentative Waste Discharge Requirements Order. The closing of NP's Adelanto facility was disastrous in my opinion.	Comment noted.
11	Thank you for all the effort put into this Tentative Board Order so that our water supply and environment will be protected. Please consider my comments and concerns.	Comment noted.
Jessie Orr 1	We do not concur; comments attached	Comment noted.
2	After reading the TENTATIVE Waste Discharge Requirements for this composting facility, it is evident you would better serve the people of Hinkley and surrounding communities by requiring the facility to be completely enclosed or by denying the permit.	Regulation of air emissions is under the jurisdiction of the Mojave Desert Air Quality Monitoring District. The Waste Discharge Requirements for the Nursery Products Hawes Composting Facility requires implementation of mitigation measures to control airborne pathogen movement, including wetting of windrows and not turning the windrows when wind speed is 30 mph or greater.
3	Haven't you learned anything from your dealings with PG&E? What makes you think that this money making company will be any different and keep the requirements set forth in this latest TENTATIVE list? I would like to believe that if you had been given the opportunity to stop the contamination and deadly results of PG&E you would have. That is what I want now - STOP the POTENTIAL HARM to my community, to my family.	The Waste Discharge Requirements for Nursery Products Hawes Composting Facility require containment of leachate from the composting pad (Waste Pile), and stormwater from the entire site. Monitoring is required to ensure that the containment structures are functioning properly and that material on site will not be discharged off site. The Waste Discharge Requirements specify contingent actions that must be implemented by the discharger if monitoring indicates a problem with the containment structures.

Comment Number	Comment	Response
Received January 19, 2010		
Jessie Orr (Continued)	4 Hinkley is not alone in the fight against Nursery Products LLC and their proposed Hawes Facility. On April 20, 2009 the City of Barstow, CA passed Resolution 4471 in opposition to the construction of a Biowaste facility in Hinkley CA by Nursery Products LLC.	Comment noted.
	5 Please consider your decisions carefully. Think of our health and quality of life. Avoid being part of another disaster!	Comment noted.
Cecil Basenberg	1 We concur with proposed requirements	Comment noted.
	2 We concur; comments attached	No comments were attached.
Lynda Brothers	1 This letter is submitted on behalf of Nursery Products, LLC pursuant to the request for public comment by the California Regional Water Quality Control Board, Lahontan Region (RWQCB) on tentative waste discharge requirements for the Nursery Products Hawes Composting Facility. As you know, Nursery Products plans to operate a biosolids and green materials composting facility in San Bernardino County, California. The Nursery Products project, known as the Hawes composting facility, has undergone [sic] extensive environmental review, including legal challenges, and will represent a state of the art biosolids composting facility.	Comment noted.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
Lynda Brothers 2 (Continued)	As you know, Nursery Products will be the permittee under the Board Order No. R6V-2009 [Tentative] (Tentative Permit), dated December 22, 2009. As such, Nursery Products is providing a number of comments that relate very specifically to certain operational issues that apparently were not fully considered in the preparation of the Tentative Permit. Please see the letter submitted on November 23, 2009 during the initial comment period. Nursery Products appreciates the changes to the Tentative made as a result of the initial comment period, but this letter is submitted because a large number of important operational issues in that letter have not been addressed. And, as you will recall, Nursery Products agreed for purposes of this Permit to regulation of the facility under the California Code of Regulations Title 27, even though certain questions arise as to the applicability thereof to this project.	Comment noted.
3	As a result of that willing concession, Nursery Products expected that Lahontan would take greater heed to the technical comments which are resubmitted with in this letter. Nursery Products looks forward to continuing to work cooperatively with you and the RWQCB staff.	Comment noted.
4	The following comments are presented in lieu of a marked up copy of the Tentative Permit. The comments are presented in the same order as the referenced numbered sections of the Findings, Order and Monitoring and Reporting Program, except the one item that I discussed with legal counsel are presented as comment I.	Comment noted.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
Lynda Brothers 5 (Continued)	<p>I. At the beginning of the Findings Section, we request the addition of language making it clear that the Findings are solely for the purpose of the Permit. We suggest the following:</p> <p>The Findings and Definitions made in this Board Order No. R6V-2009-[Tentative] are solely for the purpose of this Order and do not apply and shall not be used for any other regulatory or legal purposes. The Findings are made by the Water Board based solely upon matters within their jurisdiction.</p>	<p>The Water Board has no legal obligation and there is no established practice or precedent within the Water Board to make these suggested changes. Furthermore, this language is not necessary in order for the Water Board to consider adoption of the proposed Order. Consequently, these suggested changes will not be incorporated into the proposed Order.</p>
6	<p>II. Please made the following changes to the Findings section. 1. In Paragraphs 7, 9, and anywhere else it is so used, please remove the word "stored" and replace it with the word "located." No storage of wastes will occur on the site.</p>	<p>Water Board staff does not concur and believes the word "stored" is appropriate.</p>
7	<p>2. In the Order, at Section V. A. entitled <u>Financial Assurance Documents</u> please remove "At least 60 days" and begin the sentence with "Prior." This changes makes the Order consistent with the findings in Paragraph 31 which requires financial assurance to be in place prior to operation.</p>	<p>Financial assurance mechanisms must be in place at least 60 days prior to operation of the facility. The requirement will remain.</p>

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
Lynda Brothers 8 (Continued)	<p>III. MONITORING AND REPORTING PROGRAM PAGE 3 SECTION IIA1 - SURFACE IMPOUNDMENT MONITORING WASTEWATER.</p> <p>The tentative monitoring and reporting program (MRP) states the liquid in the surface impoundments must be monitored quarterly and analyzed to determine the concentrations of parameters described in Table 1 (Attachment A). The Report of Waste Discharge (ROWD) taht <i>[sic]</i> was submitted by Nursery Products intentionally did not include sampling of the liquid in the surface impoundments. The surface impoundments are solely for the collection of rainwater and rainwater runoff from the site and will be emptied of liquid regularly. Any water in the retention basins must be removed within 30 days of incidence as a mitigation measure under CEQA imposed by the County of San Bernardino. Since all of the liquid will be removed regularly and promptly, the requirement to sample such liquid is meaningless and impossible to fulfill when the impoundments are dry. There will not be liquid to sample. Nursery Products requests that this sampling requirement in the MRP be deleted.</p> <p>We note that removal of this requirement does nothing to lessen the protection to the environment or the waters of the State of California because the absence of water to sample in the retention basins also means the absence of water as a potential pollutant source. In the Tentative, this requirement persists with a requirement that a report is still necessary. Submitting a report on this topic is a meaningless exercise. Please delete this quarterly reporting requirement. At most it is reasonable to include it as an annual requirement, if at the time of annual sampling water is present.</p>	<p>Sampling of material in the Surface Impoundments is included for several reasons. Sampling of the material in the Surface Impoundments must be performed to demonstrate that the material being discharged to the Class II Surface Impoundments, designed to contain designated waste, is not hazardous waste. CCR, title 27, section 20420, subdivision (e)(1) states that the Water Board shall specify monitoring parameters based on the types, quantities, and concentrations of constituents in wastes managed at the Units. Additionally, Nursery Products proposes to use the water collected in the Surface Impoundments as part of mitigation for dust control on the windrows on the Waste Pile. Hazardous wastes may not be discharged to the Waste Pile. In order to correctly characterize the waste managed at the Facility, sampling must be performed. A sentence has been added to the section noting that if the Surface Impoundment is dry, indicate that it is dry on the monitoring report.</p>

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
Lynda Brothers 9 (Continued)	<p data-bbox="444 289 915 407">IV. MONITORING AND REPORTING PROGRAM PAGE 4 SECTION IIA4 - SURFACE IMPOUNDMENT MONITORING SLUDGE.</p> <p data-bbox="444 443 915 1289">The tentative MRP states that the sludge in the surface impoundments must be sampled and monitored annually and analyzed to determine the concentrations of parameters described in Table 1 (Attachment A). The ROWD submitted by Nursery Products intentionally did not include sampling of the sludge in the surface impoundments. The surface impoundments will be emptied of liquid within 30 days of incidence <i>[sic]</i> and it is highly unlikely that sludge will be present. If it is, it too will be removed. The surface impoundments are solely for the collection of rainwater and rainwater runoff from the site itself. The 30 day removal requirement was imposed by the County of San Bernardino as a mitigation measure under CEQA. Since all of the sludge will be regularly and promptly removed, the requirement to sample such sludge is meaningless and impossible to fulfill. There will not be any sludge to sample. Nursery Products requests that this sampling requirement in the MRP be deleted.</p> <p data-bbox="444 1325 915 1591">We note that removal of this requirement does nothing to lessen the protection to the environment or the waters of the State of California because the absence of sludge to sample in the retention basins also means the absence of sludge as a pollutant source. See Comment III above.</p>	<p data-bbox="945 289 1432 407">Please see response to comment 8 above. A sentence is included in the section noting that samples shall only be collected if sludge is present.</p>

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
Lynda Brothers 10 (Continued)	<p>V. WDR REQUIREMENTS PAGE 17 SECTION D - LEAK DETECTION MONITORING SUMPS & MONITORING AND REPORTING PROGRAM PAGE 4 SECTION 3 - LEAK DETECTION MONITORING SUMPS</p> <p>Both referenced sections require Nursery Products to annually test the Leak Detection Monitoring Sumps (LDMS) in order to demonstrate proper operation. Nursery Products understands that it is not possible to test each LDMS. Once the surface impoundment liners are installed the LDMS become closed systems. This limitation imposed in the Permit is typically applied to a Leachate Collection and Removal System (LCRS) and not to a LDMS. Nursery Products requests that the annual leak detection test requirement be removed from both sections. The LDMS will be monitored weekly per the conditions of the MRP.</p>	<p>The LDMS will be monitored weekly to determine if water is present in order to determine if the liners of the Surface Impoundments are functioning. The requirement for annual testing of functionality of the LDMS has been removed.</p>
11	<p>VI. MONITORING AND REPORTING PROGRAM PAGE 5 SECTION B - WASTE PILE MONITORING.</p> <p>The MRP states that the discharger must collect background data of the native engineered fill material for the monitoring parameters and constituents of concern listed in Table 3 (Attachment C) prior to the construction of the composting pad. Nursery Products will collect samples across the waste pile area and composite all of the samples together to characterize the soil below the waste pile.</p>	<p>In order to establish a Water Quality Protection Standard for this Facility, existing background soil samples must be collected and analyzed for monitoring parameters and constituents of concern, as specified in the Waste Discharge Requirements and Monitoring and Reporting Program. Discrete samples must be collected to correctly profile each sampling location, as illicit dumping may have occurred at this open desert property prior to purchase by Nursery Products.</p>

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
Lynda Brothers 12 (Continued)	<p>VII. MONITORING AND REPORTING PROGRAM PAGE 5 SECTION B - WASTE PILE MONITORING.</p> <p>The MRP requirement for monitoring of the waste pile is inconsistent with the ROWD submitted by Nursery Products. The MRP requires that annually a minimum of ten soil samples from approved locations within the waste pile must be collected at six-inch intervals to depth of 1.5 feet and the samples collected from the 6-inch, 1-foot and 1.5 foot interval be sent to the laboratory for analyses to determine the concentrations of monitoring parameters in Table 3 (Attachment C). The ROWD stated that a sample be collected only at the 6-inch and 1-foot depths and these samples will be analyzed for arsenic, copper, lead mercury, molybdenum, nickel, selenium, zinc, nitrate, and phosphorus. The ROWD then stated that the results will be compared to the levels listed in 40 CFR 503.13, Table 1. The MRP requires that Nursery Products test for many more parameters than were proposed in the ROWD. Nursery Products requests that the samplign <i>[sic]</i> parameters in the MRP be consistent with the ROWD and that all other paramete <i>[sic]</i></p> <p>The requirements in the Tentative do not constitute sound regulatory practice as they require excessive sampling of irrelevant parameters, including numerous extremely expensive compounds highly unlikely to be located at the facility. Nursery Products requests that Lahontan actually think about the likely scenarios rather than require testing for unlikely expensive parameters. These requirements do not provide any added environmental protection. At the very least, the following parameters should be removed: Volatile Organic Compoundss <i>[sic]</i>, Semi-Volatile Organic Compounds, Organochlorine Pesticides, Organophosphorus Pesticides, Chlorinated Herbicides, and Title 22 metals.</p>	<p>CCR, title 27, section 20420, subdivision (e)(1) states that the RWQCB shall specify monitoring parameters based on the types, quantities, and concentrations of constituents in wastes managed at the Units. Hazardous wastes may not be discharged to the Waste Pile. In order to correctly characterize the waste managed at the Facility, sampling must be performed.</p>

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
Lynda Brothers 13 (Continued)	<p>VIII. MONITORING AND REPORTING PROGRAM ATTACHMENT C - SOIL MONITORING.</p> <p>MBAS, TDS, and total hardness are referenced for soil monitoring and are typically not applicable for soil. Nursery Products requests these constituents be removed from the soil monitoring program.</p>	<p>While testing for MBAS is necessary to determine anionic surfactant content of waters and wastewaters, surfactants can also alter the hydraulic characteristics of soils, so the requirements to analyze for MBAS remains unchanged. The requirement for TDS will remain unchanged as TDS is a characteristic of the material to be discharged on the composting pads that exceeds the Water Quality Objectives. The requirement for total hardness will be removed in the Proposed Waste Discharge Requirements as Carbonate, Calcium, Magnesium, Total Alkalinity, Total Anions, and Total Cations remain sampling requirements and thus total hardness is repetitive.</p>
14	<p>IX. WDR REQUIREMENTS PAGE 3 - DESCRIPTION OF THE SURFACE IMPOUNDMENTS.</p> <p>The section requires that process wastewater generated primarily as a result of the composting process must be disposed to Class II Surface Impoundments. Nursery Products requests that this statement be deleted because stormwater is addressed previously in the section and there will not be collectible process wastewater. The provision is misleading and incorporates an inaccurate portrait of the compost process.</p>	<p>The sentence has been modified.</p>

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz	<p>1 Add these comments to the record on Nursery Products facility in Hinkley.</p> <p>Comments of Jan. 18th 2010 for the record on Nursery Products Hawes-Hinkley Sludge (NP) compost facility west of Hinkley.</p> <p>I will refer to numbers of the "tentative" WDRs from Dec 22, 2009. or page numbers. Call if clarification is needed. Comments are not limited to the document number, page, letter or project and should be applied wherever applicable to waste related water quality issues.</p> <p>General comments and specific comments are all just my opinion and I do not have any training, education or experience in these fields or sciences. I also do not have a financial stake in sewage related industry and have not been paid to oppose this project. My knowledge while not extremely long is still extensive in the last 3 years. I feel that this material is potentially too dangerous to our future water quality, water sources,</p>	Comment noted.
	<p>2 I feel that dealing with this facility the same as any sort of composting operation is wrong. Sludge, biosolids or wastewater treatment residuals contain an unlimited number of substances, chemicals or combinations of such combined with whatever went down a drain, gutter, sink, toilet, roadway or other way to get to a wastewater treatment facility. Our waste water treatment plants produce recycled wastewater that is cleaner than ever, but the extracted materials are therefore potentially more toxic. Whats cleaned out is what is now in the Sludge. Consumers, households, industries, medical facilities, morgues, dentists, golf courses, roadways all contribute to this conglomeration of Sludge.</p>	Comment noted.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	3 Can you tell me that placing this quantity of Sludge is safe up wind from my community and water sources in the 4th highest wind in California?	Regulation of air emissions is under the jurisdiction of the Mojave Desert Air Quality Management District.
	4 http://www.wrcc.dri.edu/htmlfiles/westwind.final.html#CALIFORNIA	Website provides wind speed data for California. Comment noted.
	5 Can these conditions guarantee that no particles (besides the known 357 tons/yr of VOCs approved by the County) will leave the site and travel the 8 miles to my children's playground and drinking fountain?	Should a condition of nuisance occur, as defined by California Water Code, section 13050 (m), appropriate actions will be taken to clean up and/or abate the nuisance condition.
	6 How can any risk be considered when there are cost effective and available technologies that can eliminate most potential dangers. I understand your legal and political limitations, but I feel more can be done by Lahonton to keep the potential dangers contained.	Comment noted.
	7 If this facility is allowed to operate in such a cheap, dirty, "cost-effective" and dangerous manner, more operations are sure to follow the expected profits that come with dealing with this material.	Comment noted.
	8 This is also an environmental justice issue. This is not local waste and we do not deserve any potential risks that may come with this material.	Comment noted.
	9 Profits from dealing with this materials allow that Best Available Control Technology (BACT) be required and implemented.	Comment noted.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman 10 Diaz (Continued)	The 100s of "form" letters you received were not to create work and enlarge a mailing list. It was to show that we have great opposition to this project as it is proposed. The first mailing list contained 1 person from Hinkley. But the second mailing list was also incorrect. Some of the concerned people are still missing, but some included are deceased or uninterested.	Water Board staff recognized your concern and expanded the mailing list for this project by including all those individuals/ organizations who received the EIR notices. As individual requests were received, additional persons were added to the mailing list for this permit. The tentative Waste Discharge Requirements were posted on the Water Board's website for public review. Further, public notices for the hearing of the Waste Discharge Requirements were published in local newspapers. A letter was sent to those who were mailed the tentative Waste Discharge Requirements, requesting confirmation that they would like to continue to receive correspondence. Those who indicated they would like to continue to receive correspondence will still continue to do so. If they were not interested in the project, they did not respond and were removed from future mailings on this project. If additional people would like to be included on the mailing list for this project, they can contact Brianna Bergen (bbergen@waterboards.ca.gov)
11	I would like to add the administrative records of the MDAQMD Rule 1133 writing and litigation, the Administrative Record for Nursery Products initial EIR from 2007 and the Supplemental EIR from 2009, and the legal record from Adelanto with Nursery Products vs LA Dept of Water and Power and the City of Adelanto. All testimony, documents, correspondence, submissions are pertinent to this current project, process and applicant.	Comment noted.
12	5. Enclosure would solve most these problems and threats to water quality downwind from this site.	Comment noted.
13	Native soil is the best alternative? There must be better alternatives. What are other known alternatives and costs? Why not concrete?	Nursery Products must construct and operate the Waste Pile in accordance with California Code of Regulations, title 27 requirements. Allowing for the depth to groundwater (greater than 300 feet), a compacted engineered fill is considered to be an appropriate design for the composting pad (Waste Pile).

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	14 How do enclosed facilities operate? The indoor facilities have floors and drains with capture systems. Why not in Hinkley?	Comment noted.
	15 Why is clay mentioned later in the impoundments, but here it is said to be not feasible?	Clay is not a feasible material for containment in this environment. Due to the repeated wetting and drying cycles, clay desiccates and cracks. This does not provide for proper containment at the proposed Facility. The proposed material provides better containment for the material to be stored at the proposed Facility.
	16 Self monitoring is not acceptable due to applicants history in Adelanto. The same personnel will be in charge of the Hinkley facility. Look at the problems with the Dept of Water and Power in Adelanto and the City of Adelanto record of Litagation [sic] against NP.	Comment noted.
	17 6. No wood chips? Include information on the 48 trucks worth of illegal wood chips dumped after initial approval and site tour was conducted. While not on the site, these wood chips are within a few yards of the site. These chips are from particle board and contain chemicals that are not allowed in compost. Will this material be allowed? What list of materials will not be allowed?	The only green material proposed to be used at this site includes, but is not limited to yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green material does not include food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris (California Code of Regulations, title 14, section 17852).
	18 Only sand, gypsum and sawdust?	Sand, gypsum, and sawdust are to be used as bulking agents.
	19 How will these be kept fom [sic] blowing off site?	Appropriate mitigation measures must be implemented, such as wetting of windrows, and not conducting dust-generating operations during episodes of high winds.
	20 What constitutes sawdust? Who tests? What is not allowed in sawdust?	Nursery Products proposes to use only clean soil or other inert materials as bulking agents at this Facility. Testing of bulking agents prior to use at the site is not within the jurisdiction of the Water Board.
	21 7. What is anticipated amount of water to be captured during an 100 year storm? A 1000 year storm?	The National Oceanic and Atmospheric Administration (NOAA), Barstow station, lists 2.88 inches of precipitation for a 100-year, 24-hour event and 3.84 inches of precipitation for a 1000-year, 24-hour event.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	22 Why is clay used? Why not concrete?	Clay is not a feasible material for containment in this environment. Due to the repeated wetting and drying cycles, clay desiccates and cracks. This does not provide for proper containment at the proposed Facility. The proposed material provides better containment for the material to be stored at the proposed Facility. Concrete may still leak and/or interact chemically with the material stored in the Surface Impoundments; as such, it may not provide appropriate containment.
	23 Why not covered for bird animal and dust issues? These impoundments will be dry most of the time.	As noted in your comment, the Surface Impoundments may be dry for most of the time.
	24 How will they be scrapped if there is a fabric layer? What equipment will be used? Nothing on the existing equipment list seems to be able to carefully remove sediment.	Nursery Products will submit a plan for construction and operation of the Surface Impoundments for Water Board staff acceptance. Water Board staff will review the plans to ensure that they meet the requirements of the Water Code, our Basin Plan, and the Waste Discharge Requirements for this facility.
	25 Is the sediment tested? What are the limits?	The sediment (sludge accumulated in each Surface Impoundment) must be tested in accordance with the Monitoring and Reporting Program.
	26 If it blows downwind is it a danger to the school, people or water sources of Hinkley. Helendale or Barstow?	Water quality will be protected by the requirements contained in the proposed Waste Discharge Requirements. The Facility design, in conjunction with proper implementation of best management practices, is protective of groundwater and surface water quality.
	27 What is the anticipated rain in a 100 year and 1000 year events?	See response to Comment 21, above.
	28 In 2003 and 2004 we had years of heavier rains and locals said there was a year in the 1940's or 1950's that was much wetter and greater flooding occurred. In the late 1960's there was a year that flooded out the area, Lenwood Rd and the railroad tracks.	Comment noted.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	29 Will equipment washing liquids be captured?	Nursery Products must obtain coverage under the State Water Resource Control Board General Permit for Discharges Associated with Industrial Activities (Order No. 97-03-DWQ) prior to operation of the facility. As such, best management practices must be implemented to prevent any non-stormwater discharges from leaving the site.
	30 Why not delivery trucks. The sludge is 80% water and will be stuck on tires, undercarriages, truck beds, workers, equipment, workers vehicles and shoes. Is there any potential for water sources elsewhere that could be effected by these residuals or debris?	See response to Comment 29, above.
	31 If trucks and truckers stop at local gas stations, restaurants or other businesses, will there be potential to transfer uncomposted sludge to other water sources and in contact with the public?	See response to Comment 29, above.
	32 If pathogens are not mixed in 4 hours, will pathogens still be killed.	Pathogens are killed as the windrows heat-up to the required temperature (131 degrees Fahrenheit) and maintain that temperature for a minimum of 15 days, in accordance with USEPA regulations.
	33 Is there any potential for regrowth as seen at the Adelanto site in 2005.	Provided that stormwater does not discharge from this Facility, the potential for regrowth from water transport may be small.
	34 Delays in Sludge arrival and distance traveled from source should be considered and change mixing and storage regulations as needed to stop pathogen growth and regrowth.	Comment noted.
	35 What is largest possible earthquake?	The Report of Waste Discharge lists the maximum magnitude earthquake estimates for local faults as 7.3 (Lockhart-Helendale fault zone) and 7.5 (Lenwood-Lockhard fault zone).
	36 Has the land movement during the Landers Earthquake of 1992 been considered?	Class II units must be designed to withstand the maximum credible earthquake without damage to the foundation or to the structures which control leachate, surface drainage, or erosion, or gas, per CCR, title 27, section 20370.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	37 http://www.seismo-watch.com/EQSERVICES/NotableEQ/Jun/0628.Landers.Photos.html	Photographs of the Landers Earthquake site. Comment noted.
	38 Will the berms and entire facility be constructed to handle a 100 year rain event in conjunction with a large seismic event?	See response to Comment 36, above.
	39 How large and how wet will they be constructed for?	Berms must be constructed to divert stormwater from running onto the facility from a 100-year, 24-hour storm event. The Surface Impoundments must be capable of containing runoff from the 100-year, 24-hour event, precipitation falling upon them from the 1000-year, 24-hour event, while maintaining two feet of freeboard.
	40 What will the be cost of clean-up if the impoundments are full and the impoundments walls are broken by earthquake?	The Discharger must provide a plan to address a known or reasonably foreseeable release (KRFR Plan) from the Waste Pile and Surface Impoundments in accordance with the requirements in CCR, title 27, sections 20380, subdivision (b) and 22222. The KRFR Plan must include a cost estimate to implement the plan and a proposed financial assurance instrument meeting CCR, title 27, sections 22220 to 22222 and 22225 et seq.
	41 Will the facility have to close until after clean-up is complete?	Unable to determine at this time how such a situation may be resolved for the Discharger.
	42 What will the fines be?	If violations of the Waste Discharge Requirements, Basin Plan, or California Water Code occur, penalties will be assessed in accordance with the appropriate Water Code regulations for the specific event.
	43 What if the spill is to the south or east onto BLM land?	See response to Comment 42, above.
	44 What about a severe micro-burst, which is known to happen in the area. Here is an example of one in Ridgecrest: http://www.youtube.com/watch?v=TkavH9aZue8	See response to Comment 39, above.
	45 I would like the Board to view this example of weather in the area.	Comment noted.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	46 Will this facility be able to handle this types of event alone or in conjunction with other events of rain, earthquakes or other natural weather conditions?	Containment shall be determined by geology, hydrology, topography, climatology, and other factors relating to the ability of the unit to protect water quality, in accordance with CCR, title 27, section 20240.
47	8. No where in the entire WDR document is there any wording about the fact that when the impoundments are full, the piles will be overwet also and water will not be needed. As in Adelanto, the rain caused anerobic conditions in the windrows, to cause smell and flies to be worse. Now you will permit this facility, which is much larger to run the same operation in a windier area.	Comment noted.
48	If recharge rates can not keep up with water needs, where will the water supply be?	Water supply issues are not within the purview of the Water Board.
49	Without truck washing, will all water sources, hydrants, wells be protected if Sludge facility water trucks visit them for water with Sludge residue clinging on them?	The discharge of waste, except to the authorized Waste Pile or Surface Impoundments, is prohibited. Also see response to Comment 29, above.
50	Will finished compost piles said to be 50 feet tall and stored up to 2 tears [sic] on site be kept wet? Any potential for chemicals, heavy metals, flame retardants, medications, steroids, hormones, prions, radioactive particles, anti-bacterials or other substances be in the compost piles, bulking agents, or finished compost be allowed to leave the site to blow downwind towards the recharge ponds, other water sources and people.	Mitigation measures for dust control must be implemented for all portions of the site. Based on the fact that the Mojave River is approximately 11.5 miles east of the Facility, it is unlikely that winds will transport significant quantities or concentrations of particles, chemicals, etc., to waters of the U.S.
51	9. Will all wash water be placed in the impoundments?	See response to Comment 29, above. Specific information, such as how wash water will be handled at this site, must be addressed by the Discharger with submission of a Storm Water Pollution Prevention Plan (SWPPP).
52	10. Why not cement or concrete pads like a enclosed facility would have.	See response to Comment 22, above.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	53 The data used to guess what will be in the wastewater is old data and needs to be updated. Does it include data from Cornell University? http://cwmi.css.cornell.edu/sewagesludge.htm	The data used to determine the potential characteristics of leachate that may be produced at this site was sampled in June 2009. Water Board staff analyzed these data and determined that leachate generated at this site may be designated waste. The Waste Discharge Requirements for this Facility were written to ensure that any waste discharges are in compliance with CCR, title 27 requirements for such waste.
54	Does it include this new work on PBDEs from Dec 2009? http://www.epa.gov/oppt/pbde/	PBDEs are a class of brominated hydrocarbons found in some flame retardant chemicals. According to the USEPA, PBDEs may enter the environment through emissions from manufacturing processes, volatilization from products that contain PBDE, recycling wastes, or leaching from waste disposal sites. The Nursery Products Facility is designed to prevent leachate from entering groundwater.
55	or this targeted study from Jan 2009? http://www.epa.gov/waterscience/biosolids/tnsss-overview.html . if not, why not?	USEPA website for the Targeted National Sewage Sludge Survey Report. As this report does not discuss composting of biosolids, it was not considered for the Waste Discharge Requirements for the Nursery Products Facility.
56	Are any of these a potential problem for people or water sources downwind or downstream?	Please see response to Comment 55, above.
57	Will leachate from landfills be added to the sludge?	Water Board staff are unaware of any landfill leachate being added to sewage sludge in our region.
58	Please add this newer data to our concerns, to the record and to the conditions for the permit. As data continues to be generated, who will strengthen the rules to protect water quality?	Within the State of California, CalEPA and its various agencies are responsible for establishing and revising water quality standards. As new standards are adopted, Regional Water Boards may revise permits accordingly.
59	Will the applicant be responsible for the clean-up even if it was legal when they started? Being an LLC, how is clean-up guaranteed?	Please see response to Comment 40, above.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued) 60	11. Residual solids, Sludge, dust and mud will be carried to other water sources if the impoundments are not covered. The site is on a migrating bird flyway and miles from Harper Lake Bird Sanctuary, how will the impoundment water not be transferred by water fowl or ravens? Ravens are common and a problem in the area, how will they be kept out of the impoundments or piles? http://www.birdnature.com/allflyways.html	Protection of birds and other animals falls under the purview of the California Department of Fish and Game.
61	12. Look at CIWMB transcript of Jul/Aug 2007. It shows the lack of oversight and many problems with the Adelanto facility oversight. It shows that San Bernardino County can not be given the responsibility to oversee this facility.	Comment noted.
62	The MDAQMD also showed major lack of oversight in the Adelanto facility although large quantities of dust and debris were documented and allowed to leave the Sludge facility.	Comment noted.
63	Code enforcement also showed no action against the facility for many years even though there were 100s of complaints.	Comment noted.
64	Nursery Products disregarded their own agreement with the City of Adelanto to stop accepting waste in 2005. Nursery Products also disregarded a Judge's order to stop accepting waste in 2005. Look at the Nov 5th 2003 Adelanto City Council Meeting where problems were put on record 2 years after they received their CUP. The problems persisted the entire time NP operated and was not fixed as claimed for any length of time. The Adelanto facility was self-monitored and look at all the violations and lawsuits associated with the operation and compliance. Do you think the same personnel and owner will do a better job this time with a much larger facility upwind of my children's playground? Look at this legal document and tell me these operators should self-monitor next to my community: http://tinyurl.com/5ojamt	Comment noted. Nursery Products Hawes Composting Facility must be constructed and operated in accordance with the proposed Waste Discharge Requirements and Monitoring and Reporting Program. Website provides a copy of the complaint against Nursery Products Adelanto facility.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	65 If the residents of Barstow can smell the small diaries here in Hinkley, then the residents of Hinkley will feel the effects of the Sludge dump upwind of us.	Comment noted.
	66 How far did the flies, smell and dust travel in Adelanto with a smaller facility and less wind.	Proximity of the Nursery Products Adelanto facility to businesses and residences in Adelanto is very different from the proposed facility location approximately 8 miles west of the community of Hinkley.
	67 We know it almost shut down a nearby power station and was a horrible situation for a school a couple miles away, but was there any problems 5 miles away?, 10 miles? The Hinkley facility will be larger and is in a windier area.	Water Board staff is unaware of any complaints regarding Nursery Products Adelanto facility from people or businesses located significant distances away from the facility, such as 5 or 10 miles.
	68 Self-monitoring is not an option and with the large profits expected to be generated, the facility can afford independent and through monitoring and testing.	Comment noted.
	69 13. A large bond must be held in an account inaccessible to the Nursery Products Limited Liability Corporation due their past history and potential for larger problems.	Please see response to Comment 40, above.
	70 Look at exhibit A in the Adelanto legal Documents of July 2005. Look at the declarations of the citizens there and guarantee that we will not suffer any of those same problems.	Comment noted.
	71 How much nuisance will Lahonton allow?	Please see response to Comment 26, above.
	72 How long will we have to suffer for Lahonton to take action?	Please see response to Comment 26, above.
	73 Look at the photos I submitted from the Adelanto Legal record that shows flooding on the site. Look at the Settlement Agreement from Adelanto in 2005. Nursery Products never installed fire hydrants, water lines, paving, street lighting, landscaping, and other conditions Nursery Products agreed to, but never fulfilled. Is Lahonton betting my community's health and well-being on them doing a better job this time with a larger facility?	Installation of fire hydrants, water lines, paving, street lighting, landscaping, etc., that would be mandated by a Conditional Use Permit are within the purview of the County of San Bernardino, not the Water Board.
	74 How much has PGE spent on their clean up?	How much PG&E has spent on their cleanup is not applicable to this facility.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	75 How big will the bond be on a LLC with a bad history of compliance?	Please see response to Comment 40, above.
	76 14. Test all loads upon arrival with stronger standards than EPA Standards. Do not rely on testing from NP.	Comment noted.
	77 15, What is procedure for action if leak is corrected? Timeline? Vendors and equipment available?	Please see response to Comment 40, above.
	78 No more waste should be accepted until the problem is completely fixed and clean up occurs.	Comment noted.
	79 The entire bond should be forfeited and the new bond should be higher. If PGE taught us anything, it is that the deterrents need to be in place before the problem exisits not after. Look at the years and cost of the Hinkley cleanup before deciding how a LLC should be held responsible.	Comment noted.
	80 What is the penalty if the program to monitor the unsaturated zone is not ready by June 30th? Shouldn't they know by now?	Requirement was changed to read "at least 60 days prior to operation of the Facility."
	81 16. 180 days too long for corrective action plan. We know that from the history of Adelanto facility and NP personel, the problems should be anticipated and plans should be in place before hand.	Comment noted.
	82 17. Same as item 16. Quantify a significant release?	The language in the permit was changed to read "measurably significant" evidence of a release. If a contaminant is detectable, then it is measurable.
	83 18. What are "reasonable attempts"?	A "reasonable attempt" will be defined using best professional judgment of Water Board staff when/if a release occurs.
	84 Was there a closure plan in Adelanto? Was it followed? Who oversaw the closure? Has further testing been done?	Nursery Products Adelanto facility was never issued Waste Discharge Requirements.
	85 Who will pay for the "landfill" option to be contained into the future?	Nursery Products is the responsible party.
	86 Will more waste be able to be added if it becomes a landfill?	Should closure as a landfill be pursued by the Discharger, Water Board staff will request a report of waste discharge and evaluate their proposal at that time.

Comment Number	Comment	Response	
Received January 19, 2010 (Continued)			
D. Norman Diaz (Continued)	87	Closure plan should be available before WDRs are issued and should be available now.	Comment noted.
	88	What is the cause of delay for a company that has experience and 3 extra years on this project?	Final information needed to complete the Report of Waste Discharge was submitted to Water Board staff on October 19, 2009. After the Discharger has complied with Water Code, section 13260, the Water Board has 140 days to issue Waste Discharge Requirements. With the March 2010 meeting, the Waste Discharge Requirements for this permit will fall within the limits set by the code.
	89	Is this just a plan to establish a new landfill near Hinkley?	No. The Facility will be a Class II Waste Pile and Class II Surface Impoundments, and must comply with CCR, title 27 requirements for such units.
	90	19. Were any of borings done in stream beds?	No.
	91	Was Fish and Game or Fish and Wildlife been informed before hand? Was BLM?	The Discharger has notified Water Board staff that they are working with the appropriate agencies to obtain any other needed permits.
	92	Deep well boring was done down stream and not on the property site in a roadway. Is that legal or correct procedure? Shouldn't it be up stream and on site?	Because the Discharger conducted only one deep boring at this site and was unable to provide a comprehensive description of the subsurface geology over the entire site, the Facility will be regulated under the California Code of Regulations, title 27, which is a very conservative regulatory that is protective of water quality.
	93	20. 65 feet change in depth in one day? Is that Normal? What is recharge rate?	Significant changes to the water levels in a well or boring after drilling is possible. However, one cannot make a precise evaluation of "normal" without additional hydrogeologic data.
	94	What is assurance that well will not allow contamination to get to water table?	The Monitoring and Reporting Program for this Facility specifies monitoring requirements for the Surface Water Impoundments, Waste Pile, and the groundwater and unsaturated zone beneath the site to provide the best assurance of the early detection of a release from the Facility.

Comment Number	Comment	Response
Received January 19, 2010 (Continued)		
D. Norman Diaz (Continued)	95 What will assure compliance by applicant with known compliance issues?	The Monitoring and Reporting Program for this Facility requires submission of monitoring reports on a quarterly and annual basis. Water Board staff will review these reports for compliance with the Waste Discharge Requirements and Monitoring and Reporting Program requirements.
	96 If recharge is too slow, what is back-up plan?	Please see response to Comment 93, above.
	97 21. Why not test for chrome-6? With the history in Hinkley, that seems a smart thing to test for. Is PGE on the mailing list?	Hexavalent chromium is included in the suite of analytes that must be tested for at this Facility. PG&E is not currently on our mailing list for this permit, as they did not comment of the County's DEIR, nor have they requested to be added to the mailing list for this permit.
	98 25. Quantify amounts of volume of rainwater on site and captures in impoundments (inches and gallons). Those expected in mentioned storm events.	Please see response to Comment 39, above.
	99 With 3 extra years of delay with little change of plans, applicant should have plans and dimensions in order already. What are dimensions on impoundments? How deep? What capacity? When was the last 1000 year storm? How many inches of rain fall. What was the biggest annual and daily totals of the top 10 storms of the last 100 years in that area?	Comment noted. Please see responses to Comments 21 and 39.
	100 27. 4.5 inches is average, but not spread evenly over 12 months. The normally dry Mojave River ran until June in 2003. What was the rain total that year?	The NOAA report titled <i>Climatological Data Annual Summary, California, 2003</i> , lists total precipitation for the Barstow station at 5.94 inches.
	101 How did NP handle the rain in Adelanto in 2003?	How stormwater was handled in 2003 at a separate facility has no bearing on this permit.
	102 29. How do you repair if full of water? As said before, the impoundments are only full during rain and the windrows will be too wet at that time to put impoundment fluid in to? If not into compost piles or Sludge, where would the water be taken? How transported? How long will it take to empty?	The Discharger must maintain a minimum of two feet of freeboard at all times.

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D. Norman Diaz (Continued)	103 If fixing ponds or leaks occurs, then no more waste should be excepted [<i>sic</i>], bonds should be forfeited and a new larger bond needs to be established.	Comment noted.
	104 Even after 30 days in the winter, water will remain and windrows will be wet. Is 30 days from first rain? What if additional water is added to impoundments after two weeks? Is the water in the ponds separated to keep the older water separate from the newer?	There is no 30 day requirement in the WDRs for the Surface Impoundments. Please see response to Comment 102.
	105 30. NP must submit a CAE before any WDRs are issued. With the bad history in Adelanto and the 3 year delay in the Hinkley project approval, then NP should have had the time to get these documents together.	Comment noted.
	106 Any release should stop all incoming waste and forfeit entire bond. New larger bond must be held independently from this LLC.	Comment noted.
	107 90 days is too long and no reason is acceptable for that long of delay.	Comment noted.
	108 Where are cost estimates for post closure and corrective action? Corrective action was needed in Adelanto, so costs should be known.	Financial assurance mechanisms must be in place at least 60 days prior to operation of the facility.
	109 Being Category 1 Desert Tortoise Habitat in surrounding areas, the costs associated and potential replacement habitat should be included.	Reasonably foreseeable release cost estimates are estimated on the cost to restore water quality and beneficial uses.
	110 Water is scarce and getting more expensive here in the desert. Costs for potential risks and clean-up should be elevated to be in line with possible future costs of water quality damage.	Comment noted.
	111 31. NP is a Limited Liability Corporation and has shown in Adelanto that it would prefer to trade services than pay fines or bills. Would Lahonton make a deal to exchange services for fines or additional bonds as the City of Adelanto did for 50 years of free Sludge removal in exchange for owed Court costs? What is 50 years of Sludge removal worth in Court costs?	Comment noted.

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D. Norman 112 Diaz (Continued)	32. Look at deal done at end of City of Adelanto lawsuit. How bills were paid. Compliance of agreed upon terms and conditions. Compare with current situation.	Comment noted.
113	33. Will a lawsuit against the approval of the new EIR stop the approval by Lahonton? While in litigation <i>[sic]</i> , the EIR will be in question and all construction must cease due to potential for more conditions and agreements present or future litigation <i>[sic]</i> will bring.	The proposed WDR is conditional based upon subsequent certification of the EIR and SEIR by the lead agency.
114	34. I have spoken of the poor notification on this project. It has gotten better that at first, but there is still questionable names omitted and included on the mailing list. Still wanting to know why my email correspondence was published and no others? Was there no correspondence from Nursery Products during this 3+ year time period? Why was it not published? If mine was released and then NP is allowed to comment on my emails, then the documents they submitted and their correspondence should be printed and the document re-circulated.	We have responded to all public comments received within the comment periods.
115	The LA Dept of Water had lawsuits and other problems with the applicant, were they notified? Did they comment? Did you ask for their concerns? Did you look at their history of concerns, problems with flies and dust?	An extensive list of public and private parties was notified of the WDRs.
116	In the area called 1. Discharge Specifications page 14. 1. Use May 5th, 2005 Document from the Dept of Health Services on the Adelanto Facility which shows great potential danger from dust to water sources downwind? Does Lahonton Staff dispute or ignore the data from May 5th 2005?	The CDHS (now CDPH) letter discussed the presence of pathogens in stormwater runoff collected on LADWP property during a February 12, 2005 rain event.

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D. Norman 117 Diaz (Continued)	<p>2. New EPA studies show new possible contaminants that could be introduced into our water supplies from this type of Sludge facility even if run by a responsible applicant.</p> <p>Does it include this new work on PBDEs from Dec 2009?</p> <p>http://www.epa.gov/oppt/pbde/</p> <p>or this targeted study from Jan 2009</p> <p>http://www.epa.gov/waterscience/biosolids/tnsss-overview.html</p>	CCR, title 27 requirements are protective of water quality.
118	Any other new studies available?	We are unaware of any new information.
119	Any reason to believe that the technology advances made in wastewater treatment will not make our Sludge more toxic or harmful to our air and water if dumped on the ground in the desert in the manner proposed and encouraged by Lahonton [sic] .	Comment noted.
120	<p>Look at recent reports from Cornell University on new data showing dangers:</p> <p>http://cwmi.css.cornell.edu/sewagesludge.htm</p> <p>http://cwmi.css.cornell.edu/case.pdf</p> <p>http://cwmi.css.cornell.edu/Sludge/INCIDENTSintro.htm</p>	Comment noted.
121	Even if speaking of land application issues, the dangers are similar if not amplified by 400,000 tons/year being brought into Hinkley and turned in the air.	Comment noted.
122	3. Medical waste can contain radioactivity in small amounts, which can be concentrated by the composting process. How many particles does it take to blow off site to give Lahonton concern?	Compost will not be permitted to move offsite via wind transport. Fugitive dust mitigation measures will be implemented.

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D. Norman 123 Diaz (Continued)	6. Look at all these levels and know that until these levels are reached, no action by polluter needs to be taken, But all these substances are combined into the Sludge and concentrated and collected into huge amounts, yet Lahonton shows no concern for the downwind people and water sources that may be effected. http://www.epa.gov/dfe/pubs/pwb/tech_rep/fedregs/regsectb.htm Will all these chemicals and substances be tested for?	There is no evidence to suggest that groundwaters or surface waters will be threatened by proper operations of the Facility.
124	B. Discharge Limitations page 15 1. NP must stop accepting all waste and forfeit entire bond. A new and larger bond must be established before accepting any new waste. See history of compliance in Adelanto. Due to history of applicant, more stringent conditions are deserved and expected.	Comment noted.
125	Do the expected VOCs concern the Lahonton Staff?	VOC production is the primary cause of odors at compost facilities. We are not aware of any studies showing a link between VOC production at compost operations and groundwater or surface water degradation or pollution.
126	(attached - 090300 Cornell Sludge on land dangers.pdf)	Comment noted.
127	(attached - 070807 CIWMB transcript.pdf)	Comment noted.
Bonita L. McConnell 1	We do not concur; comments attached	Comment noted.
2	As a property owner adjacent [sic] to the Hawes Project, I am deeply opposed to any type of Waste Discharge or Composting by [sic] our property.	Comment noted.
3	The Hawes Facility has and will continue to lower our property value and reduce any chances for Sale of Property in the future.	Comment noted.

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Bonita L. McConnell (Continued)	4 This property, parcel number 0493011130000 has been in our family for four generation's. It was purchased in eairly <i>[sic]</i> 1800's.	Comment noted.
	5 No one wants to live next to a garbage dump. - would you?	Comment noted.
Nancy Williams McClure for Zelma L. Williams	We do not concur; comments attached	Comment noted; however, no additional comments were attached.