

Brianna Bergen - (1) PROBLEMS WITH 1133 & the HAWES COMPOSTING FACILITY APPLICATION (WDID No. 6B360903006) & (2) Request for Investigation & Disclosure of lobbying activity

From: Robert Conaway [REDACTED]
To: Brianna Bergen [REDACTED]
Date: 2/8/2010 7:56 PM
Subject: (1) PROBLEMS WITH 1133 & the HAWES COMPOSTING FACILITY APPLICATION (WDID No. 6B360903006) & (2) Request for Investigation & Disclosure of lobbying activity
CC: [REDACTED], Barb Stanton [REDACTED], Zach Frankel [REDACTED]

Brianna Bergen & CRWQCB (Lahontan) Board employees:

- (1) I want to be kept on the list for the Hawes Nursery Products project; I live in the area impacted. I am a well owner in the impacted area. I have submitted comments. I have spoken at Board meetings in opposition to the project. I have written letters to the Editors of local papers in opposition to the project; I am shocked that I would have to respond to such a letter from CRWQCB asking me if I had a continuing interest in being on the mailing list, especially after I complained that someone transposed my address numbers after I had received reports for many years at the correct address--a transposition that caused mailings on the project to not be sent to me;
- (2) I did not get the tentative Waste Discharge Requirements from you, so your February 3, 2010 letter is a false and misleading statement; I did submit comments (on 1/21/10) when I did get a copy of the report from another resident in the area, but was told my comments would be considered late and presumably NOT considered;
- (3) I have been told that Nursery Products is lobbying not just CRWQCB, but the individuals sitting on the Board through the cities and or counties that have nominated them, which would seem to put pressure on them to vote favorably for Nursery Products and or face potential loss of their position on the board; I want full and complete disclosure of those contacts by Nursery Products, any lobbyist for Nursery Products or other representative claiming to be aligned with and or supporting Nursery Products permit application(s), the times of contact, the method of contact, what was promised or threatened by Nursery Products (or their representatives), whether there were any official or informal commitments made to support Nursery Product's position in the application process;
- (4) It seems to me that Brad Mitzelfelt's front page lobbying against AB 32 which would pass VOC and PM standards, is improper lobbying by a sitting board member--he should be focused on protecting the air & water quality, not degrading same "for business development" (neocon code words for not protecting the environment with best available control technology so he and his cronies can get more political contributions); Brad Mitzelfelt should recuse himself from sitting on any committee or Board concerning the Nursery Products project in any event; were Mitzelfelt's lobbying against the environment not enough in the paper, Mitzelfelt, when he was Supervisor Postmus' chief of staff, promised Nursery Products he'd find a location for Nursery Products after they were kicked out of Adelanto (story in the Sun Newspaper) in the Hinkley area;
- (5) I am extremely concerned about the continued use of 1133 as a regulatory standard after the court's decisions by dumps like the one at Ft. Irwin, run by IAP World Services and Sullivan International Group (Pacific Treatment Environmental Services)--is there a reason an illegal regulation is still be allowed as the standard for waste management at Ft. Irwin? Doesn't that tend to demonstrate the utter ineffectiveness of the Board in enforcing the law or complying with court orders??

(6) To rush ahead with the proposed discharge requirements with a Court action pending on 1133 and potential legislation in Sacramento that could make some of the discharge standards legally questionable at best, seems to playing into the hands of the applicant, not the public's health & safety. Please explain why you are pushing this for Nursery Products prematurely??

(7) Is my January 21, 2010 letter going to be made a part of the record and responded to? Below this is a copy of same for those that were not copied in before:

ROBERT D. CONAWAY

[REDACTED]

FAX COMMENT

Date: January 21, 2010

To: Harold Singer [REDACTED]

Re: COMMENTS ON TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR NURSERY PRODUCTS HAWES COMPOSTING FACILITY

Total pages– Two (2)

Dear Mr. Singer:

After not being sent the Tentative [Proposed?]Waste Discharge Requirements and not being given additional time to review it once I received the report, I offer the following items as being in need of clarification/comment:

1. Under “2. Facility” under “4)” only windrows are described as allowed–is the CRWQCB taking away from Nursery Products the right to use static piles or some hybrid between static piles and windrows? If so, good.

2. Under “5. Engineered Alternative to Prescriptive Stds...”, I am troubled by the compaction of native soils as a barrier for several reasons:

A. Covering the facility would eliminate any concerns about breakdown of clay and synthetic barriers and provide the dual benefit of capturing and filtering VOC's, spores, airborne mold and or pathogens and could be done with a large and inexpensive Quonset hut type structure over the windrows that is open on the ends for access (used to store large haystacks all over the country) and for when not being accessed by workers, installation of inexpensive biofilters on the ends could be in use–there has not been an economic analysis of a minimal covering–there should be;

B. In moving windrows, equipment will be used to turn them–they are in effect specialized large lifts. Damage to native soils is enviable (unless the windrows are not going to be completely turned, in which case the composting operation will present a risk to public health) and since the windrow material will be dropped on top of the damaged compacted soil, there will be no way to inspect it; despite the cost; the barrier needs to be clay plus liner with a slope to the catch basins;

C. The testing is only annual–in a year with 2,000 wet tons per day allowed, 1.2 billion pounds of wet waste (or some significant fraction thereof) could potentially enter the ground water (300 days of

operations x 2,000 wet tons per day or 4,000,000 pounds of discharge per day x 300 days)—testing needs to be much more aggressive (once a month) and the boring needs to slant to points UNDER the compacted pad, as fluids will not always run off—fluids can settle into the passive sand below that which is not compacted (like it naturally does);

D. The argument on cost and science is inconsistent when looking at the Board's impoundment pond comments—where clay is feasible for the impoundment ponds, its should be feasible for the windrows;

3. Green waste, given the history of the applicant, needs to be better defined and there needs to be a load analysis (or source certification) to advise us how much there is in the way of herbicides, pesticides, fertilizer or vectors (insects, rats, etc) in it, which could impact not just the water, plants and animals in the area, but potentially worker and public health from same;

Harold, I wish I had more time. Its too bad that this note might not even be considered.

=A0 Robert Conaway

Respectfully submitted

Bob Conaway