

Brianna Bergen - Additional comments for the WDRs for Nursery Products Sludge composting facility in Hinkley

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Date: 1/19/2010 4:48 PM
Subject: Additional comments for the WDRs for Nursery Products Sludge composting facility in Hinkley
CC: Patrice Copeland <[REDACTED]>
Attachments: 090300 Cornell Sludge on land dangers.pdf; 070807 CIWMB transcript.pdf

Add these comments to the record on Nursery Products facility in Hinkley.

Comments of Jan. 18th 2010 for the record on Nursery Products Hawes-Hinkley Sludge (NP) compost facility west of Hinkley.

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.

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,

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.

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?

<http://www.wrcc.dri.edu/htmlfiles/westwind.final.html#CALIFORNIA>

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? 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. 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.

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. Profits from dealing with this materials allow that Best Available Control Technology (BACT) be required and implemented. 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.

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.

5. Enclosure would solve most these problems and threats to water quality downwind from this site. Native soil is the best alternative? There must be better alternatives. What are other known alternatives and costs? Why not concrete? How do enclosed facilities operate? The indoor facilities have floors and drains with capture systems. Why not in Hinkley? Why is clay mentioned later in the impoundments, but here it is said to be not feasible?

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 Litigation against NP.

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? Only sand, gypsum and sawdust? How will these be kept from blowing off site? What constitutes sawdust? Who tests? What is not allowed in sawdust?

7. What is anticipated amount of water to be captured during an 100 year storm? A 1000 year storm? Why is clay used? Why not concrete? Why not covered for bird animal and dust issues? These impoundments will be dry most of the time. 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. Is the sediment tested? What are the limits? If it blows downwind is it a danger to the school, people or water sources of Hinkley, Helendale or Barstow? What is the anticipated rain in a 100 year and 1000 year events? 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.

Will equipment washing liquids be captured? 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? 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? If pathogens are not mixed in 4 hours, will pathogens still be killed. Is there any potential for regrowth as seen at the

Adelanto site in 2005. 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.

What is largest possible earthquake? Has the land movement during the Landers Earthquake of 1992 been considered?

<http://www.seismo-watch.com/EQSERVICES/NotableEQ/Jun/0628.Landers.Photos.html>

Will the berms and entire facility be constructed to handle a 100 year rain event in conjunction with a large seismic event? How large and how wet will they be constructed for? What will the be cost of clean-up if the impoundments are full and the impoundments walls are broken by earthquake? Will the facility have to close until after clean-up is complete? What will the fines be? What if the spill is to the south or east onto BLM land? 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>

I would like the Board to view this example of weather in the area. 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?

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. If recharge rates can not keep up with water needs, where will the water supply be? 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?

Will finished compost piles said to be 50 feet tall and stored up to 2 tears 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.

9. Will all wash water be placed in the impoundments?

10. Why not cement or concrete pads like a enclosed facility would have. 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>

Does it include this new work on PBDEs from Dec 2009?

<http://www.epa.gov/oppt/pbde/>

or this targeted study from Jan 2009?

<http://www.epa.gov/waterscience/biosolids/tnsss-overview.html>

if not, why not? Are any of these a potential problem for people or water sources downwind or downstream? Will leachate from landfills be added to the sludge? 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? 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?

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>

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. 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. Code enforcement also showed no action against the facility for many years even though there were 100s of complaints. 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>

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. How far did the flies, smell and dust travel in Adelanto with a smaller facility and less wind. 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. 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.

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. 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. How much nuisance will Lahonton allow? How long will we have to suffer for Lahonton to take action? 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? How much has PGE spent on their clean up? How big will the bond be on a LLC with a bad history of compliance?

14. Test all loads upon arrival with stronger standards than EPA Standards. Do not rely on testing from NP.

15. What is procedure for action if leak is corrected? Timeline? Vendors and equipment available? No more waste should be accepted until the problem is completely fixed and clean up occurs. 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 exists not after. Look at the years and cost of the Hinkley cleanup before deciding how a LLC should be held responsible. What is the penalty if the program to monitor the unsaturated zone is not ready by June 30th? Shouldn't they know by now?

16. 180 days too long for corrective action plan. We know that from the history of Adelanto facility and NP personnel, the problems should be anticipated and plans should be in place before hand.

17. Same as item 16. Quantify a significant release?

18. What are "reasonable attempts"? Was there a closure plan in Adelanto? Was it followed? Who oversaw the closure? Has further testing been done? Who will pay for the "landfill" option to be contained into the future? Will more waste be able to be added if it becomes a landfill? Closure plan should be available before WDRs are issued and should be available now. What is the cause of delay for a company that has experience and 3 extra years on this project? Is this just a plan to establish a new landfill near Hinkley?

19. Were any of borings done in stream beds? Was Fish and Game or Fish and Wildlife been informed before hand? Was BLM? 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?

20. 65 feet change in depth in one day? Is that Normal? What is recharge rate? What is assurance that well will not allow contamination to get to water table? What will assure compliance by applicant with known compliance issues? If recharge is too slow, what is back-up plan?

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?

25. Quantify amounts of volume of rainwater on site and captures in impoundments (inches and gallons). Those expected in mentioned storm events. 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?

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? How did NP handle the rain in Adelanto in 2003?

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? If fixing ponds or leaks occurs, then no more waste should be excepted, bonds should be forfeited and a new larger bond needs to be established. 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?

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. Any release should stop all incoming waste and forfeit entire bond. New larger bond must be held independently from this LLC. 90 days is too long and no reason is acceptable for that long of delay. Where are cost estimates for post closure and corrective action? Corrective action was needed in Adelanto, so costs should be known. Being Category 1 Desert Tortoise Habitat in surrounding areas, the costs associated and potential replacement habitat should be included. 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.

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?

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.

33. Will a lawsuit against the approval of the new EIR stop the approval by Lahonton? While in litigation, the EIR will be in question and all construction must cease due to potential for more conditions and agreements present or future litigation will bring.

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. 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?

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?

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.

Does it include this new work on PBDEs from Dec 2009?

<http://www.epa.gov/oppt/pbde/>

or this targeted study from Jan 2009

<http://www.epa.gov/waterscience/biosolids/tncss-overview.html>

Any other new studies available? 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.

Look at recent reports from Cornell University on new data showing dangers:

<http://cwmi.css.cornell.edu/sewagesludge.htm>

<http://cwmi.css.cornell.edu/case.pdf>

<http://cwmi.css.cornell.edu/Sludge/INCIDENTSintropage.htm>

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.

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?

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?

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.

Do the expected VOCs concern the Lahonton Staff?

call with questions

thanks

Norman

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