



California Regional Water Quality Control Board  
Lahontan Region



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File

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**BACKGROUND NATIVE SOILS REPORT, NURSERY PRODUCTS HAWES  
COMPOSTING FACILITY, SAN BERNARDINO COUNTY**

On August 24, 2010, California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Background Native Soils report (Report), which was prepared by Nursery Products. The objective of this Report is to determine background concentration limits for monitoring parameters and constituents of concern. These limits would serve as the basis for determining if a leak has occurred or is occurring from the Waste Pile. This Report was submitted to satisfy Board Order No. R6V-2010-0010 (Board Order).

Sections V.C.2. and V.C.4. of the Board Order require Nursery Products to submit a Monitoring and Reporting Plan and a Sampling and Analysis Plan (MRP&SAP) respectively. Section II.B.1. of the Monitoring and Reporting Program requires Nursery Products to submit a plan for performing a Background Native Soils investigation as part of the MRP&SAP. The initial MRP&SAP was submitted on August 13, 2010. The results of the Background Native Soils sampling effort were submitted on August 24, 2010, eleven days after submitting the MRP&SAP, which was supposed to provide the protocols for the work. It is likely that the sampling to support the Background Native Soils report was completed around the time the MRP&SAP was submitted and before the Water Board had any opportunity to comment on the MRP&SAP. Due to the lack of any specificity in the MRP&SAP regarding sample selection and collection, and concerns regarding sample processing (details of concerns are provided in this letter), Water Board staff are unable to determine if this Report meets the requirements stated in the Board Order.

The latest version of the MRP&SAP, Second Revised Monitoring and Reporting Plan & Sampling and Analysis Plan, submitted on December 20, 2010, provides the following description of the protocols for collecting the samples to develop the Background Native Soils report:

"Background data of the native engineered fill material for the monitoring parameters and constituents of concern (*sic* - concern) will be collected prior to the construction of the facility. Nursery Products will collect 10 samples from throughout the 80 acre project area. The samples will be composited into a single sample and will be analyzed by a California state-certified laboratory for the parameters required in Board Order No. R6V-2010-0010."

Water Board staff has the following concerns with this protocol:

1. The protocol fails to identify the relationship between the sample locations and the soils to be used to construct the pads. Nursery Product's protocol indicates this sampling is to determine concentrations in the "native engineered fill material", yet no information was provided to document this linkage.
2. The protocol fails to provide a statistical method for selecting sample locations, which is essential if samples are to accurately represent the native engineered fill materials.
3. The protocol fails to describe the depth of sample collection and provide a rationale for this sample depth.
4. The protocol fails to provide any rationale for compositing the samples nor how the results will be compared (a methodology for statistical comparison is required to be submitted as part of the Board Order) with sample results from individually analyzed samples collected as part of the annual vadose zone monitoring requirements.
5. The protocol fails to identify how the samples should be collected, how the collection equipment will be decontaminated before and between sample collection, and what types of containers will be used.

Some of these concerns are partially addressed in the MRP&SAP, in the paragraphs preceding the section on background soil sampling that describe the annual soil sampling. However, because the procedures are specified for the annual sampling events, Water Board staff cannot assume analogous procedures were followed for the August 2010 Background Native Soil sampling event.

The MRP&SAP indicates that the locations of the sampling will be compiled on a map of the site. The Report fails to present the locations from which the samples were collected (see item No. 1 above). The MRP&SAP indicates that samples will be analyzed for all constituents of concern. The Report did not include analysis for phosphate, total anions and total cations, which are constituents of concern listed in the Board Order.

Additionally, the Report states the samples were extracted throughout the waste pile; however, the waste pile is not yet constructed. Please clarify the apparent discrepancy (see item No. 1 above). In order for the Background Native Soils Report to provide a valid baseline against which the results of the annual soil sampling of the waste pile can be compared, similar material must be sampled and analyzed. Water Board staff requests that representative samples be collected of the material of which the Waste Pile Pad is to be constructed. If it is determined that the protocols used to prepare the August 2010 Report do not conform to the accepted MRP&SAP protocols (see below), new sample collection can be conducted concurrently with construction of the Waste Pile Pad.

The Background Native Soils Report was not conducted in accordance with an accepted MRP&SAP and the recent Water Board letter accepting the latest MRP&SAP indicated that it did not include sufficient information to address the concerns listed on the second page of this letter. Therefore, Nursery Products must submit a separate MRP&SAP for the Background Native Soils investigation that specifically addresses the concerns noted above or clearly reference protocols in the recently accepted MRP&SAP that address these concerns.

Within 21 days of Water Board acceptance of these protocols in the separate MRP&SAP referenced in the prior paragraph, Nursery Products must submit an evaluation of whether or not the Report submitted in August 2010 complies with the accepted MRP&SAP. At a minimum, Nursery Products must supplement the Report to address the issues raised in this letter. As indicated above, if Nursery Products must resample to conform to the accepted protocols, it can collect samples concurrently with the effort to construct the Waste Pile pad.

We look forward to working with you in a manner that protects water quality. If you have any questions, please contact Brianna Bergen at (760) 241-7305 ([bbergen@waterboards.ca.gov](mailto:bbergen@waterboards.ca.gov)) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 ([pcopeland@waterboards.ca.gov](mailto:pcopeland@waterboards.ca.gov)).



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