



November 13, 2006

San Bernardino County  
Land Use Services Department

Attn: Ms. Carrie Hyke

Subject: Comments to Draft Environmental Impact Report for Conditional Use Permit,  
Nursery Products Hawes Composting Facility, Hinkley, California

Dear Ms. Hyke:

Thank you for the opportunity to comment on the above-referenced Conditional Use Permit. As you may be aware, the Mojave Water Agency (MWA) is not a regulatory authority regarding water quality issues, but we do have an interest in assuring that regional groundwater quantity and quality is adequate to serve the beneficial uses throughout the MWA service area.

The MWA has reviewed the September 2006 *Draft Environmental Impact Report (DEIR) Nursery Products Hawes Composting Facility* prepared by URS. The areas of interest to MWA include the potential impacts to water supply and water quality. Based on that review, it appears that monitoring has been proposed such that potential adverse impacts to groundwater should be detected before constituents of concern reach the local water table.

The DEIR does not discuss the water supply required for the project. It has been represented that the project would require about 1,000 gallons per day which, if this is correct, would equate to slightly more than 1.10 acre-feet per year. This appears to be a relatively minor quantity of water for the scope of the project described, particularly considering the need to control fugitive dust. However, it should be noted that if the project uses 10 acre-feet or less it would be subject to MWA Ordinance No. 11 and likely assessed for Replacement Water. Should production exceed 10 acre-feet, the project owner would be required to become a party to the Mojave Basin Area Judgment and either purchase sufficient production rights to serve the project or purchase Replacement Water through the Mojave Basin Area Watermaster. We would be pleased to provide you with additional information regarding Ordinance No. 11 and the Mojave Basin Area Judgment should you need it.

On November 7, 2006, the MWA Planning, Resources and Technology Committee heard a staff summary of issues identified in the DEIR for this project. At that time, a member of the public summarized and provided the attached information regarding the history of the Nursery

Products, LLC Facility in the City of Adelanto. The information attributed to the City of Adelanto indicates that at one time the project was not operating within the requirements of the Conditional Use Permit issued by the City. The information attributed to the State of California Department of Health Services suggests that there may have been potential health issues as well, based upon data that was collected by the Los Angeles Department of Water and Power to assess the impacts of the Adelanto project. Two specific areas of impact were identified as areas of concern: 1) airborne releases of contaminants, and 2) dust surface water runoff. We note with concern that surface water samples taken offsite for the Los Angeles Department of Water and Power were characterized as being significantly in excess of standards applicable to fresh water beaches and adjacent storm drains for Total Coliform, Fecal Coliform and E. coli. County review should take note of this information and consider the practical nature of the County's ability to develop adequate and enforceable measures to control these potential offsite impacts. In other words, assuming the project is permitted, the potential for impacts to be adequately identified and mitigated with proper enforcement will be critical to the process.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Kirby Brill  
General Manager

attachments

c: Lahontan Regional Water Quality Control Board

sb cty nursery products eir ltr 111306.doc/kirby/vt